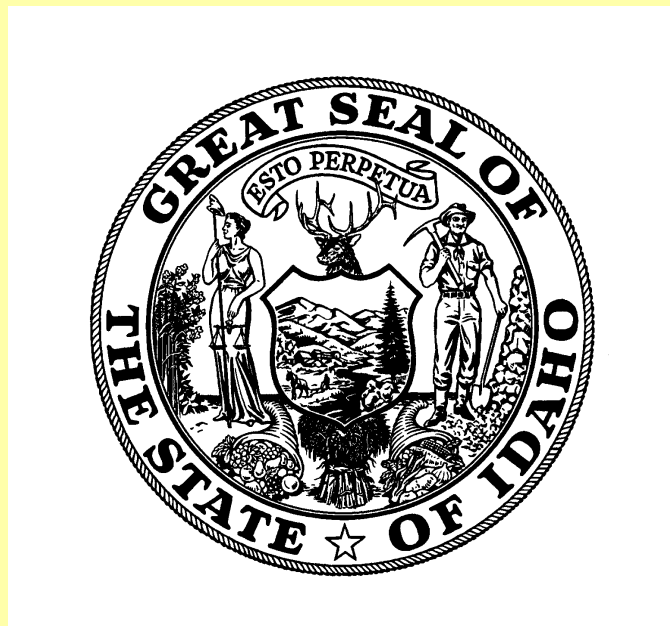


PENDING RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
Senate State Affairs Committee
68th Idaho Legislature
First Regular Session – 2025



Prepared by:

*Office of the Administrative Rules Coordinator
Division of Financial Management*

January 2025

SENATE STATE AFFAIRS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 23-932, 23-946(B), 23-1330, and 23-1408, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Under [Executive Order 2020-01-Zero Based Regulation](#), the department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce the regulatory burden and enhance operational efficiency.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 37-46](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Captain Rocky Gripton, Idaho State Police, (208) 884-7062, email – rocky.gripton@isp.idaho.gov.

DATED this 16th day of October, 2024.

Lt Colonel Russ Wheatley, Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 23-616, 23-932, 23-946(b), 23-1330, 23-1408 Idaho Code.

PUBLIC HEARING SCHEDULE: A Public hearing concerning this rulemaking will be held as follows:

Wednesday, September 18, 2024 10:00 a.m. - 12:00 p.m. MT
In Person: Idaho State Police Headquarters 700 S Stratford Dr. Meridian, ID 83642 (Meeting to be held in Building 9 Conference Room)
Join by meeting link
Join by meeting number Meeting ID (access code): 235 833 562 39 Passcode: dgoreg
Join by phone +1 872-215-6990,,98369856# United States, Chicago Phone Conference ID: 983 698 56#

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01-Zero-Based Regulation](#), the department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce the regulatory burden and enhance operational efficiency.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no changes to the fees associated with this rule.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

There is no fiscal impact associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2024 Idaho Administrative Bulletin, [Volume 24-7, pages 72-73](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Captain Rocky Gripton, Idaho State Police, (208) 884-7062, email – rocky.gripton@isp.idaho.gov Materials pertaining to the negotiated rulemaking can be found on the ISP Alcohol Beverage Control website at: <https://isp.idaho.gov/abc/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2024.

DATED this 8th day of August, 2024.

Italicized red text that is double underscored indicates amendments to the proposed text as adopted in the pending rule.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 11-0501-2403

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

000. LEGAL AUTHORITY.

~~The Director of the Idaho State Police has general rulemaking authority to prescribe rules and regulations for alcohol beverage enforcement, pursuant to~~ Sections 23-932, 23-946(b), 23-1330 and 23-1408, Idaho Code. ~~(3-23-22)()~~

001. SCOPE.

The rules relate to the governance and operation of Alcohol Beverage Control (hereafter, ABC). Unless a specific reference herein limits application of a rule to a particular kind of alcoholic beverage, these rules apply to and implement Idaho Code Sections for liquor (Title 23, Chapter 9, Idaho Code), beer (Title 23, Chapter 10, Idaho Code), and wine (Title 23, Chapter 13, Idaho Code). ~~(3-23-22)()~~

002. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the applicable definitions found in Sections 23-902, 23-942, 23-1001, and 23-1303, Idaho Code, the following apply: ()

01. Actual Use. *The Actual Use of a liquor license by a licensee requires that the premises be open for business to the public and advertised to the public for regular scheduled availability of the sale, service, and dispensing of alcoholic beverages including liquor by the drink on a weekly basis. The licensee is required to notify ABC within fifteen (15) days of any reduction of the regular scheduled day(s) and time(s) due to construction or refurbishment.* ()

02. Business. Business means any operation to carry out the normal day to day activities to exercise the privilege of holding a liquor license and operating a premises, for purposes of Section 23-903, Idaho Code. ()

~~**01. Licensed Premises.** Any premises for which a license has been issued under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. All areas included on the floor plan submitted to the Director with the~~

~~licensee's application for a license constitute the licensed premises. In the event of loss or move of the physical licensed premises, the licensee has ninety (90) days to secure and occupy a new premises in which to display the license. All licenses must be prominently displayed in a suitable premises and remain in actual use by the licensee and available for legitimate sales of alcoholic beverages by the drink. An additional sixty (60) days may be granted by the Director, upon petition by the license holder. (3-23-22)~~

~~**02. New Licenses.** For purposes of Section 23-908(4), Idaho Code, a "new license" is one that has become available as an additional license within a city's limits under the quota system after July 1, 1980. The requirement of Section 23-908(4), Idaho Code, that a new license be placed into actual use by the licensee and remain in use for at least six (6) consecutive months is satisfied if the licensee makes actual sales of liquor by the drink during at least eight (8) hours per day, no fewer than six (6) days per week. (3-23-22)~~

~~**03. Multipurpose Arena Facility.** For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena Facility is a publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions. (3-23-22)(____)~~

~~**a.** For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena is a: (3-23-22)~~

~~**i.** Publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions; (3-23-22)~~

~~**ii.** Facility that is licensed to sell liquor by the drink at retail for consumption upon the premises; and (3-23-22)~~

~~**iii.** Facility that has been endorsed by the director. (3-23-22)~~

~~**b.** A Multipurpose Arena facility must apply annually for an endorsement on its alcohol beverage license. (3-23-22)~~

~~**e.** To receive a Multipurpose Arena endorsement under this Section will require the facility to have food available including, but not limited to, hamburgers, sandwiches, salads, or other snack food. The director may also restrict the type of events at a Multipurpose Arena facility at which beer, wine, and liquor by the drink may be served. The director will also consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a Multipurpose Arena facility before the director will endorse the license. (3-23-22)~~

~~**d.** A licensee that applies for a Multipurpose Arena endorsement must submit with the application an operating/security plan to the director and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or the director determines that a change is necessary due to demonstrated problems or conditions not previously considered or adequately addressed in the original plan. The plan must be submitted in a format designated by the director and contain all of the following elements: (3-23-22)~~

~~**i.** How the Multipurpose Arena facility will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; (3-23-22)~~

~~**ii.** The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served; (3-23-22)~~

~~**iii.** Training provided to staff who serve, regulate, or supervise the service of alcohol; (3-23-22)~~

~~**iv.** The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one (1) transaction; (3-23-22)~~

~~**v.** A list of event type/categories to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event; and (3-23-22)~~

~~vi. Diagrams and designation of alcohol service areas for each type of event category with identified restrictions of minors. (3-23-22)~~

~~e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the director and local law enforcement office showing the date and time of each event during which alcohol service is planned. The licensee must notify the director and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. (3-23-22)~~

~~f. To prevent persons who are under twenty-one (21) years of age or who appear intoxicated from gaining access to alcohol, the director may require that an operating plan include additional mandatory requirements if it is determined that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent persons under twenty-one (21) years of age or who are apparently intoxicated from obtaining alcohol. (3-23-22)~~

~~g. If premises, licensed as a Multipurpose Arena, subsequently ceases to meet the qualifications of a Multipurpose Arena, the restrictions contained in Section 23-943, Idaho Code, apply and the posting of signs as provided for in Section 23-945, Idaho Code, is required. The licensee shall advise the director, by mail, that his premises no longer constitute a Multipurpose Arena, so that the license may be modified accordingly. (3-23-22)~~

04. Owner. An owner as stated in Section 23-903 subsections 16-18, Idaho Code, may hold the privilege to a license as between that person and the state of Idaho, and is subject to the qualifications and restrictions contained in Idaho Code Chapters 9, 10 and 13 of Title 23. ()

045. Partition. A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises. ~~Access through the structure to the place will be controlled to prevent minors from entering the place. The structure must be:~~ (3-23-22)()

~~a. Permanently fixed from the premises ceiling to the premises floor. (3-23-22)~~

~~b. Made or constructed of solid material such as glass, wood, metal or a combination of those products. (3-23-22)~~

~~c. Designed to prevent an alcoholic beverage from being passed over, under or through the structure. (3-23-22)~~

~~d. All partitions must be approved by the Director. (3-23-22)~~

05. Place. For the purposes of Section 23-943, Idaho Code, "Place" as defined by Section 23-942(b), for a one (1) room restaurant without a barrier or partition, refers to the immediate bar area wherein there is seating alongside a counter or barrier that encloses bar supplies and equipment that are kept, and where alcoholic beverages are mixed, poured, drawn or served for consumption. (3-23-22)

06. Restaurant. The term Restaurant, as defined by Section 23-942(c), Idaho Code, is further defined as an establishment maintained, advertised and held out to the public as primarily a food eating establishment, where individually priced meals are prepared and regularly served to the public, primarily for on-premises consumption. The establishment must also have a dining room or rooms, kitchen and cooking facilities for the preparation of food, and the number, and type of employees normally used in the preparing, cooking and serving of meals. Primarily as defined for the purposes of Section 010, also includes that the licensee must show to the director the following: (3-23-22)

~~a. An established menu identifying the individually priced meals for consumption; (3-23-22)~~

~~b. Food service and preparation occurs on the premises by establishment employees; (3-23-22)~~

~~c. Stoves, ovens, refrigeration equipment or such other equipment usually and normally found in restaurants are located on the premises of the establishment; (3-23-22)~~

~~d. The licensee must demonstrate to the satisfaction of the Director, through appropriate business records, that the establishment is advertised and held out to the public as primarily a food eating establishment, or that at least forty percent (40%) of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. (3-23-22)~~

076. Stock Transfer. For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer. (3-23-22)

07. Transfer. Any change to a person as defined in Section 23-902(13), Idaho Code, who owns, operates, or leases an alcohol beverage license as a privilege granted by ABC except the transfer conditions set forth in Section 23-903(16), Idaho Code. For purposes of Sections 23-903(16)(d) and (e), Idaho Code, other than the "onetime-only transfer" where referenced, transfer means sale of the license. ()

011. GENERAL PROVISIONS.

01. Delegation of Authority to License Alcoholic Beverages. The Director hereby delegates his authority for the alcohol beverage licensing of establishments which sell alcoholic beverages, as contained in as defined in Title 23, Chapters 9, 10, and 13, Idaho Code, to the, Alcohol Beverage Control Bureau, Idaho State Police. All applications and inquiries concerning alcoholic beverage licenses must be directed to the Alcohol Beverage Control Bureau. The Alcohol Beverage Control Bureau provides forms for all applications and inquiries. Nothing contained herein interferes with the Director's supervisory authority for alcoholic beverage licensing. ~~(pursuant to Section 67-2901(4), Idaho Code).~~ (3-23-22)()

02. Restaurant Licensure Requirements. In order to receive a license under these rules and Chapter 9, Title 23, a Restaurant must: ()

a. Have a dining room, kitchen, and cooking facilities for the preparation of food; and ()

b. Demonstrate to the satisfaction of the Director: ()

i. An established menu identifying individually priced meals; ()

ii. Food service and preparation occurs on the premises; ()

iii. Stoves, ovens, refrigeration equipment or such other equipment commonly found in restaurants are located on the premises; and ()

iv. Through appropriate business records, that the establishment is advertised and held out to the public as primarily a food-eating establishment, or that at least forty percent (40%), or at least sixty percent (60%) for resort city restaurant liquor licenses as set forth in Section 23-903c., Idaho Code, of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. ()

~~**02. Authority to Stagger the Renewal of Licenses to Sell Alcohol.** For the purposes of Sections 23-908, 23-1010 and 23-1316, Idaho Code, the Director may adjust the renewal month to accommodate population increases. Renewal months vary by county and are available on the Alcohol Beverage Control website. (3-23-22)~~

03. Premises Loss, License Display, and Actual Use Requirement. ()

a. In the event of loss or move of the physical licensed premises, or reversion under Section 23-903(17), Idaho Code, a licensee has one hundred eighty (180) days to secure and occupy a new premises in which to display the license. An additional sixty (60) days may be granted by ABC, upon petition by the license holder. ()

b. All licenses must be prominently displayed in suitable premises and remain in Actual Use. ()

04. Notification of Renewals and Administrative Actions. For the purposes of Section 23-

903(18)(e), Idaho Code, the owner and lessee must each include in the lease agreement a primary email contact to which the renewal notice, filings, and payment of administrative actions will be sent. *It is the responsibility of the owner and lessee to notify ABC of any change in contact information.* ()

05. Controlled Access to Minors. Access through any premises will be controlled to prevent minors from entering the place: ()

a. Except for a one (1) room restaurant without a barrier or partition, rooms must be separated by a permanently fixed partition no less than six (6) feet in height; ()

b. Exterior portions of a premises must be constructed in a manner that prevents loitering or access by a minor and must be in compliance with local ordinances; ()

c. Partitions must be constructed of such material designed to prevent alcohol beverages from being passed over, under, or through the partition; and ()

d. Approved by the Director. ()

06. Multipurpose Arena Facility Licensure Requirements. A Multipurpose Arena Facility must renew the endorsement annually on the alcohol beverage license. To receive a multipurpose arena endorsement under these rules, the facility must: ()

a. Prepare cooked food for purchase during events; and ()

b. Submit with the application an operating/security plan to ABC and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or ABC determines that a change is necessary due to demonstrated problems or conditions not previously considered or addressed in the original plan. The plan must contain the following elements: ()

i. How the licensee will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; ()

ii. The ratio of employees and security staff to the size of audiences at events where alcohol is being served or dispensed; ()

iii. Training provided to staff who serve dispense, or supervise the service and consumption of alcohol; ()

iv. The licensee's policy on the number of alcohol beverages that will be served to an individual patron during one (1) transaction; ()

v. A list of event types to be held in the facility; and ()

vi. Diagrams and designation of alcohol service areas for each event, category type, with identified areas to restrict minors. ()

c. ABC may restrict the type of events at the facility at which beer, wine, and liquor by the drink may be served. ()

d. ABC will consider the seating accommodations, dining, operational plans, and other amenities available at the facility prior to endorsement. ()

e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to ABC and local law enforcement showing the date and time of any events where alcohol service is planned. The licensee must notify ABC and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned but was not included in the monthly schedule. ()

f. When the facility ceases to meet the qualifications of the endorsement, Sections 23-943 and 23-945 Idaho Code, apply. The licensee shall advise ABC that facility no longer constitutes a Multipurpose Arena. ()

07. Product Replacement. Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code. ()

012. TRANSFER OF ALCOHOLIC BEVERAGE LICENSES.

~~01. Transfer of License Subject to Sanctions.~~ ~~The Director of the Idaho State Police may deny the transfer of an alcoholic beverage license which is subject to possible disqualification, revocation or suspension under the provisions of Title 23, Chapters 9, 10, and 13, Idaho Code, or these rules, when an action has been filed to such effect before the Idaho State Police pursuant to Sections 23-933, 23-1037 or 23-1331, Idaho Code.~~ (3-23-22)

~~02. Death or Incapacity of Licensee.~~ ~~In the event of the incapacity, death, receivership, bankruptcy, or assignment for the benefit of creditors of a licensee, his guardian, executor, administrator, receiver, trustee in bankruptcy, or assignee for benefit of creditors may, upon written authorization from the Alcohol Beverage Control Bureau, continue the business of the licensee on the licensed premises for the duration of the license or until the business is terminated. Any person operating the licensed premises under this regulation must submit a signed agreement that he will assume all of the responsibilities of the licensee for operation of the premises in accordance with law. A person operating licensed premises under the regulation must demonstrate to the satisfaction of the Alcohol Beverage Control Bureau that he is qualified to hold an alcoholic beverage license. A guardian, executor, administrator, receiver, trustee in bankruptcy, or assignee for benefit of creditors may renew or transfer a license so held, in the same manner as other licensees, subject to the approval of the Alcohol Beverage Control Bureau. (Sections 23-908(1), 23-1005A, and 23-1317, Idaho Code).~~ (3-23-22)

01. Events Not Implicating the One Transfer Law Restriction. When any of the events occur pursuant to Sections 23-908(5)(a), (b), (d), and (e), 23-903(16-18), Idaho Code, a person must apply with ABC pursuant to Section 23-905, Idaho Code, within sixty (60) days. ()

a. The owner must give written notice to the agency within thirty (30) days of the termination of the license lease per Section 23-903(17), Idaho Code. ()

b. Any licensee that elects to apply the provisions of Section 23-903(18), Idaho Code, must notify ABC of such declaration via the lease agreement submitted with the application for transfer to the lessee. ()

02. Transfer Fees if Applicable. Options to purchase an incorporated city liquor license shall submit the required transfer fee when the application to transfer occurs. A refund may be requested if the option to purchase is not exercised at the end of the term. ()

~~03. Authorization to Transfer and Assignment of Privilege to Renew.~~ ~~Any person applying to renew or transfer an liquor license alcoholic beverage license who was not the licensee at the applicable premises for the preceding year, must submit with the application to renew or transfer, a written ~~Authorization to Transfer and Assignment of Privilege to Renew~~ Affidavit of Release of License form signed by the current licensee.~~ (3-23-22)()

04. Temporary Permits. When application for transfer of an alcoholic beverage license has been made, the Alcohol Beverage Control Bureau, in its discretion, may authorize issuance of a temporary permit during the review of the application, during which time the applicant for transfer may conduct business as a temporary permit holder. The permit holder, in accepting the temporary permit, is responsible for complying must comply with pertinent all statutes and rules pertinent to the sale of alcoholic beverages. Any Ssanctions are the responsibility of the against such permit holder, whether civil, administrative, or criminal lies with the permittee, and, a acceptance of the permit constitutes a waiver of any defenses by the permit holder ~~based upon the fact that, †~~ The permit holder is not, technically, a licensee, and is not entitled to administrative due process. The Alcohol Beverage Control Bureau may withdraw a temporary permit ~~it has issued pursuant to this rule~~ at any time without hearing or notice. (3-23-22)()

~~**05. Product Replacement and Credit.** Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code, which prohibit aid to the retailer or of Sections 23-1031 or 23-1326, Idaho Code, which prohibit extension of credit to a retailer, if: (3-23-22)~~

~~**a.** The packages or kegs are replaced with identical product and quantity; or (3-23-22)~~

~~**b.** In the instance of replacement of a partial keg of beer or wine, a credit to be redeemed on subsequent alcoholic beverage purchases by the retailer is given for the value of the unused portion; or (3-23-22)~~

~~**c.** In the instance of removal of product for which the identical product or quantity thereof is not immediately available to the wholesaler/distributor at the time of removal of the product, a credit is given. The credit shall be redeemed on subsequent alcoholic beverage purchases by the retailer; or (3-23-22)~~

~~**d.** In the case of a licensed establishment which is in operation no less than two (2) months and no more than nine (9) months of each year, prior to its period of closure, it is apparent that product will become outdated or spoiled before the date of re-opening, a wholesaler/distributor may remove product from the retailer's premises and may give a credit to the retailer. Such credit shall be redeemed on subsequent alcoholic beverage purchases by the same retailer. (3-23-22)~~

~~**e.** Credit is given to a retailer for the amount paid by the retailer at the time of purchase of the product being removed by the wholesaler/distributor. (3-23-22)~~

~~**06. Expiration of Licenses.** When a county or city has, pursuant to Sections 23-927 and/or 23-1012, Idaho Code, passed an ordinance extending the hours of sale of liquor and/or beer to two o'clock a.m. (2:00 a.m.), all liquor and/or beer licenses in that county expire at two a.m. (2 a.m.), on the first of the renewal month of the year following their issuance. (Section 23-908(1), Idaho Code). (3-23-22)~~

~~**075. Maintenance of Keg Receipts.** Licensees shall retain a copy of all completed keg receipts required by Section 23-1018, Idaho Code, for a period of six (6) months. (3-23-22)~~

~~**06. Continuous Operation Facilities Licenses.** An existing license issued under Section 23-903(8), Idaho Code, before July 1, 2028, may be renewed annually and may be transferable through sale or lease. ()~~

013. PRIORITY LISTS.

~~**01. Priority Lists for Incorporated City Liquor Licenses.** The Alcohol Beverage Control Bureau maintains a priority list of applicants for those cities in which no incorporated city liquor license is available. A separate list is maintained for each city. A person, partnership, or corporation desiring to be placed on a priority list shall file a completed application for an incorporated city liquor license, accompanied by payment of and submit one-half (1/2) of the annual license fee. Such application need not show any particular building or premises upon which the liquor is to be sold, nor that the applicant is the holder of any license to sell beer. Priority on the list is determined by the earliest application, each succeeding The premises information is not required at the time of application. Completed applications, including required fees, is are placed on the list in the order received. (3-23-22)()~~

~~**02. Written Notification.** When an incorporated city liquor license becomes available Alcohol Beverage Control offers it in writing to the applicant whose name appears first on the priority list. If the applicant does not notify the Alcohol Beverage Control Bureau in writing within ten (10) days of receipt of the notice of his intention to accept the license, the license is offered to the next applicant in priority. An applicant accepting the license shall have a period of one hundred eighty (180) days from the date of receipt of Notice of License Availability in which to complete all requirements necessary for the issuance of the license. Provided, however, that upon a showing of good cause the Director of the Idaho State Police may extend the time period in which to complete the necessary requirements for a period not to exceed ninety (90) days. (3-23-22)~~

~~**02. Written Notification.** When an incorporated city or a resort city restaurant liquor license becomes available Alcohol Beverage Control offers it in writing to the applicant whose name appears first on the priority list. The applicant shall have ten (10) days from the date of the receipt of the Notice of License Availability to declare~~

their intention to accept the license. If the applicant fails to comply with this requirement, the license is offered to the next applicant in priority. ()

a. An applicant accepting the incorporated city license shall have a period of one hundred eighty (180) days from the date of receipt of Notice of License Availability in which to complete all requirements necessary for the issuance of the license. Provided, however, that upon a showing of good cause the Director of the Idaho State Police may extend the time period in which to complete the necessary requirements for a period not to exceed ninety (90) days. ()

b. An applicant accepting the resort city restaurant license shall have a period of ninety (90) days from the date of receipt of Notice of License Availability in which to complete all requirements necessary for the issuance of the license. No extensions will be allowed for this license type. ()

~~03. Refusal to Accept Offer of License or Failure to Complete Application for License. An applicant refusing a license offered under this rule or an applicant who fails to complete his application may have his name placed at the end of the priority list upon his request. Should the applicant holding first priority refuse or fail to accept the license or to complete the application within the time specified, the applicant will be dropped from the priority list, the deposit refunded, and the license offered to the applicant appearing next on the list. (3-23-22)~~

03. Refusal to Accept Offer of License or Failure to Complete Application for License. ()

a. Where a resort city restaurant liquor license is available, an applicant must choose one (1) of the following: ()

i. To remain on the priority list for an incorporated city license; ()

ii. Proceed with the application for the resort city restaurant liquor license; or ()

iii. Request a refund of the priority list fee. ()

b. An applicant who declines a license offered under these rules or an applicant who is unable to meet the statutory requirements for licensing, or to complete the application may have their name placed at the end of the priority list upon request. ()

c. An applicant holding first place on the priority list who fails to accept either license type or to complete the application within the time specified will be removed from the priority list, the fee shall be refunded, and the license offered to the applicant appearing next on the list. ()

04. Limitations on Liquor License Priority Lists. An applicant shall hold only one position at a time on each ~~incorporated city~~ priority list. ~~An applicant must be able to demonstrate to the Director the ability to place an awarded license into actual use as required by Section 23-908(4), Idaho Code and these rules.~~ An applicant for a place on an ~~incorporated city liquor license~~ priority list may not execute an inter vivos transfer or assignment of his place on the priority lists. For the purposes of this rule, "inter vivos transfer or assignment" means the substitution of any individual; partnership; corporation, including a wholly owned corporation; organization; association; or any other entity **Person** for the original applicant on the waiting list. An attempt to assign inter vivos a place on an ~~incorporated city a liquor license~~ priority list shall result in the removal of the name of the applicant from the lists. An applicant, however, may assign his or her place on an ~~alcoholic liquor license~~ priority list by devise or bequest in a valid will. A place on an incorporated city liquor license priority list becomes part of an applicant's estate upon his or her death. (3-23-22)()

~~05. Priority Lists Where Licenses Are Available. The Alcohol Beverage Control Bureau will not maintain a list for a city in which a liquor license is available, nor for a city that does not permit retail sale of liquor. (3-23-22)~~

014. CONDUCT OF LICENSED PREMISES.

~~Upon request of an agent of the Director, a licensee, or anyone acting on his behalf, must produce any records required to be kept pursuant to Title 23, Chapters 9, 10, or 13, Idaho Code, and permit the agent of the Director or~~

~~peace officer to examine them and permit an inspection of the licensee's premises. Upon request of a peace officer, a licensee, or anyone acting on his behalf, must permit an inspection of the licensee's premises. Any inspection performed pursuant to this rule must occur during the licensee's regular and usual business hours. The failure to produce such records or to permit such inspection on the part of any licensee is a violation of this rule. A violation of this rule, federal or state law or local code or ordinance may subject the licensee to administrative sanctions pursuant to Sections 23-933, 23-1037 and 23-1331, Idaho Code.~~ (3-23-22)

0154. -- 020. (RESERVED)

021. AGE RESTRICTION REQUIREMENTS.

~~01. Over/Under Clubs. Minors cannot enter, remain or loiter in any licensed establishment that sells alcoholic beverages by the drink, or where drinking alcohol is the predominant activity, or where an environment is created in which drinking alcohol appears to be the predominant activity. This includes an establishment that provides entertainment and whose primary source of revenue comes from the sale of alcoholic beverages for consumption on the premises, or cover charges, or both.~~ (3-23-22)

021. Posting of Age Restriction Signs. Sections 23-945 and 23-1026, Idaho Code, require every alcoholic beverage licensee to post an age restriction sign. Such sign must contain the following words in lettering of at least one (1) inch in height: "Admittance of persons under twenty-one (21) years of age prohibited by law." Such sign must be placed conspicuously over or on the door of each entrance to the licensed premises and be clearly visible from the exterior approached to such premises. (3-23-22)()

032. Counterfeit or Altered Age Documents. If alcoholic beverage licensees, or their employees, or agents receive age identification documents which have been lost or voluntarily surrendered, they shall deliver the documents to an agent or investigator of the Alcohol Beverage Control Bureau or to other law enforcement officials within fifteen (15) days from the date they were received, found or voluntarily surrendered. When identification documents that are presented to a licensee or its employees and appear to be mutilated, altered or fraudulent are presented to a licensee, their employees or agents, they must contact law enforcement and/or refuse service. (3-23-22)()

022. AGE RESTRICTION REQUIREMENTS FOR LICENSED MOVIE THEATERS - WHEN MINORS PERMITTED.

~~01. Minors Prohibited. Persons under twenty one (21) years of age are prohibited from entering or being in any movie theater licensed to sell alcoholic beverages during the time alcohol is available for sale or consumption in the movie theater. Age restriction signs must be posted as outlined in Subsection 021.02 of these rules at all times alcoholic beverages are sold, served or consumed in the movie theater.~~ (3-23-22)

021. Minors Permitted. Any person under twenty-one (21) years of age is permitted in a movie theater licensed to sell alcoholic beverages and no age restriction posting is required at any time when all alcohol is secured, locked up and not available for sale or consumption. Age restriction signs must be posted as outlined in Subsection 021.01 at all times in any place where alcoholic beverages are sold, served, or consumed in the movie theatre. (3-23-22)()

~~03. Exemption. Nothing in this rule applies to any movie theater that qualifies under Section 23-944(7), Idaho Code.~~ (3-23-22)

023. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 24-0201-2402 (ZBR NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo and Incorporation By Reference Synopsis \(IBRS\)](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and Section 54-406, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

Rule 002.03 – Athlete Guide to the 2020 Prohibited List: Updated the incorporation by reference to the World Anti-Doping Agency (WADA).

Rule 101.02 – Additional Examination: The language was changed to “Any licensed combatant who participates in an unsanctioned event, as determined by the Commission, will need to submit to a new physical or produce proof of medical clearance acceptable to the commission” to add clarity.

Rule 103 – Suspension: Reorganized the rule structure for clarity and flow into four subsections covering suspension, violation of Laws and Rules, honoring actions of agencies in other jurisdictions, and other. No substantive changes to the content were made to the rule language.

Rule 112.02 – Commission Involvement: Struck “which may be withdrawn at any time” as unnecessary language.

Rule 113.01 – Selection: Struck this rule as unnecessary since promoters choose the referees.

Rule 115.02.g. – Suspension and Revocation: Struck the rule as unnecessary and too broad.

Rule 115.05 – Temporary Suspension: Changed the language to clarify that this rule only applies during a sanctioned event.

Rule 115.04 – Disciplinary Action for Use of Dishonest Methods: The Commission changed the language to read “will not be eligible to be reinstated” to clarify that the process is not automatic.

Rule 115.07 – Unsanctioned Events: The Commission struck the rule as redundant to Rule 101.02.

Rule 116 – Amateur Athletic Sanctioning Organizations: The Commission changed the language to give the Commission sole discretion to approve entities to hold sanctioned amateur events that meet the requirements laid out in the subsections in the rule.

Rule 117 – Fees: To comply with Legislative Intent language, the fees changed in the proposed rule chapter have been reverted to the original fees as written in the currently effective rule chapter.

Rule 204 – Prohibited Substances: The Commission struck language referencing WADA as redundant to Rule 002.03 and added a reference to Rule 002.03.

Rule 204.03.b. – Procedure for Testing for Prohibited Substance(s): The Commission changed the language to clarify the Commission’s process in conducting and overseeing drug testing of combatants, that only water may be consumed by a combatant from the time a drug test is requested to the time of collection, and that The Commission will ensure the chain of custody of the sample to the testing laboratory.

Rule 205 – Percentage of Gate Receipts to Combatant: The Commission changed the language from “price” to “value” of complimentary tickets to be deducted for combatant percentage payment.

Rule 207.02 – Combatants: The Commission struck the first two sentences of the rule as an overstep of authority by the Commission on a contract between a promoter and a combatant.

Rule 207.03 – Promoters: The Commission struck “advanced for transportation and maintenance” as an overstep of authority by the Commission on a contract between a promoter and a combatant.

Rule 207.05 – Timing: The Commission deleted the last sentence as unnecessary because a receipt of payment is sufficient proof of payment.

Rule 300 – Program for Charity: The Commission revised the language to state, “A promoter may present an event for charity upon application to the Commission. The Commission will review any application that includes the name of the benefiting charity and EIN establishing 501(c)(3) or (6) status before issuing a sanctioning permit for the contest or exhibition at the Commission’s sole discretion The Commission may waive any rules within this chapter, including fees, for charity events.” This language will allow a path for charity events to be sanctioned by the Commission.

Rule 300.02 – Certified Itemized Statement: The Commission changed the timeframe to submit the itemized statement to the Commission from 72 hours to 5 business days based on stakeholder feedback.

Rule 400.01.e. – Tickets: The Commission struck “medical” from emergency medical personnel as redundant of itself. Removal of “medical” allowed police and fire personnel to be included in the “emergency personnel” definition.

Rule 400.01.f. – Tickets: The Commission moved the language identifying non-medical emergency personnel to 400.01.e. The Commission moved language exempting the press from purchasing tickets from 400.02.b into this rule.

Rule 400.02.a. – Complimentary Tickets: The Commission struck the rule as violating Idaho Code § 54-411(2).

Rule 400.02.b. – Complimentary Tickets: The Commission struck the rule as redundant of the new language in Rule 400.01.f.

Rule 400.03 – Tickets: The Commission swapped the language in Rule 400.04 and Rule 400.03 to make the structure flow better. The Commission changed “gross revenue” to “all revenue” in the new language for Rule 400.03.

Rule 400.03.a. – Tickets: The Commission changed the language to state a licensee cannot resell tickets because prohibiting all reselling of tickets is too broad and unenforceable.

Rule 415 – Tickets – Removal and Retention After Match – Destruction: The Commission deleted the rule as outdated.

Rule 501 – Medical Preparedness: The Commission added language stating medical personnel must be present at a sanctioned event to ensure medical personnel is on-site at an event.

Rule 700.02 – Gloves: The Commission struck the first sentence as redundant to the rest of the rule.

Rule 800.06.b. – Bandaging of Combatant’s Hand: The Commission added language that allows a combatant to waive the privilege to witness the bandaging of their opponent.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 4, 2024 Idaho Administrative Bulletin, [Vol. 24-8, pages 88-107](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-406, Idaho Code, the fee(s) in this rulemaking are established in Rule 117. None of these fees are being changed because of this rulemaking or since being previously reviewed by the Idaho Legislature.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and Section 54-406, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.02.01 – Rules of the State Athletic Commission

Tuesday, August 13, 2024 – 9 a.m. (MT)
Division of Occupational and Professional Licenses
Coolwater Room, Chinden Campus Building 4
11341 W. Chinden Blvd.
Boise, ID 83714

[Virtual Meeting Link](#)

Telephone and web conferencing information will be posted on <https://dopl.idaho.gov/calendar/> and <https://townhall.idaho.gov/>.

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Athletic Commission is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.41](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

These proposed rules update Rule 002.02 Incorporation by Reference for the Association of Boxing Commissions and Combative Sports Unified Rules of Mixed Martial Arts from the 2019 edition to the 2022 edition.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 24-0201-2402

Italicized red text that is *double underscored* indicates amendments to the proposed text as adopted in the pending rule.

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Title 54, Chapter 4, Idaho Code. ()

001. SCOPE.

These rules are intended to provide clarification on the methods and restrictions of unarmed combat in Idaho. ()

002. INCORPORATION BY REFERENCE.

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents available on the Commission's website: ()

01. Association of Boxing Commissions and Combative Sports Unified Rules of Boxing Amended 2016. This document can be accessed online here: <https://www.abcboxing.com/unified-rules-boxing/>. ()

02. Association of Boxing Commissions and Combative Sports Unified Rules of Mixed Martial Arts. This document can be accessed online here: <https://www.abcboxing.com/wp-content/uploads/2022/08/unified-rules-mma-july-2022.pdf>. ()

03. Athlete Guide to the 2024 Prohibited List. Published by the *World Anti-Doping Agency (WADA)*. Copyright date 2024. This document can be accessed online at: https://www.wada-ama.org/sites/default/files/2023-09/2024list_en_final_22_september_2023.pdf. ()

003. – 009. (RESERVED)

010. DEFINITIONS.

01. Event. A program of one (1) or more unarmed combat contests or exhibitions. ()

a. An “amateur event” is an event in which the only combatants are amateur combatants. ()

b. A “professional event” is an event in which the only combatants are professional combatants. ()

c. A “pro-am” is an event in which combatants include professional combatants and amateur combatants. Professional combatants may not compete against amateur combatants in “pro-am” events. ()

02. Main Event. The headline or marquee contest or exhibition scheduled to occur at an event. ()

011. – 099. (RESERVED)

100. LICENSING.

01. Application for License. Applicants will submit a complete, application to the Division for each of the following licenses: ()

- a. Combatant;** ()
- b. Promoter;** ()
- c. Matchmaker;** ()
- d. Manager;** ()
- e. Second, including a trainer;** ()
- f. Ring Official; or** ()
- g. Sanctioning permit for an event.** ()

101. COMBATANT.

01. Age of Combatant. The Commission will review all complete applications for a combatant license so that the applicant's experience and fitness may be considered before a license is issued, if the applicant has: ()

- a. Not reached eighteen (18) years of age; or** ()
- b. Reached thirty-six (36) years of age.** ()
- c. Poor Vision.** The Commission will not issue a license to engage in unarmed combat to any applicant who is found to be blind in one (1) eye or whose vision in one (1) eye is so poor that a physician recommends that no license be granted. No exceptions will be made. ()
- d. Cerebral Hemorrhage.** Any person who has suffered a cerebral hemorrhage will not be issued a license. ()
- e. Serious Head Injuries.** The Commission will review the application of any person who has suffered a serious head injury before a license is issued to that person. ()

02. Additional Examination. Any licensed combatant who participates in an unsanctioned event, as determined by the Commission, will need to submit to a new physical or produce proof of medical clearance acceptable to the Commission. ()

03. Blood Testing. The Commission will not issue a license to or allow an athlete to compete in an event, if the athlete, within the six (6) months immediately preceding the application for licensure or the event at which the licensee wishes to compete, has tested positive for the HIV virus, Hepatitis B Surface Antigen and Hepatitis C Antibody, or illegal drugs or other substances. Upon application for a license, the athlete will submit with the application a blood test report from a blood test conducted within the six (6) months preceding the application date. The blood test must have tested the athlete for HIV virus, Hepatitis B Surface Antigen, Hepatitis C Antibody, and illegal drugs and substances. Additionally, each combatant who is to compete in an event will, at the start of the event, provide the Commission with a blood test report from a blood test conducted within the six (6) months immediately preceding the event. The Commission may, in its discretion, request addition blood tests. ()

04. Drug Abuse. The Commission will not issue a license to an athlete who has a recent history of drug abuse, without proof of participation in a recognized drug rehabilitation program and/or submission to urinalysis. ()

05. Blood Testing and Five Panel Drug Test Results. Results must show blood concentrate percentages. ()

102. ABILITY OF COMBATANT.

01. Ability to Compete. Before the Commission issues a combatant license to any person, the Commission must be satisfied of the person’s ability to compete. ()

02. Questioned Ability. If a combatant’s ability to perform is questioned for any reason, the Commission may take action per Sections 54-406(s) or 67-2614, Idaho Code, regarding revocation of license and due process to determine: ()

a. Whether the person’s license should be revoked; or ()

b. Whether the person should be granted a license. ()

103. SUSPENSION.

01. Medical Safety. Ringside physicians may suspend a licensee for medical safety, as set forth in this chart. A ringside physician may additionally require proof of medical clearance for release of suspension:

Technical Knockout (TKO) Occurrence	Loss of Consciousness	Suspension
1	None	30 Days
1	Less than one minute	90 Days
1	Greater than one minute	180 Days
2 in 90 days	None	90 Days
2 in 90 days	Less than one minute	180 Days
2 in 90 days	Greater than one minute	360 Days
3 in 365 days	None	12 Months
3 in 365 days	Regardless of time	18 Months

02. Violation of Laws or Rules. A violation of another state’s laws or rules governing boxing, wrestling, martial arts, or any other sport which also exists in this state, shall be grounds for suspension of a combatant. ()

03. Honoring Actions of Agencies in Other Jurisdictions. The Commission may honor the suspension actions of agencies in other jurisdictions which regulate boxing, wrestling, martial arts, or any other sport may suspend a combatant’s license in Idaho as determined by the Commission. ()

04. Other. The Commission may also suspend for any other conduct which discredits boxing, wrestling, martial arts, or any other sport as determined by the Commission. ()

104. FEMALE COMBATANTS.

01. Limitation. A female combatant will not engage in a contest with a male combatant. ()

02. General Requirements. In addition to meeting such requirements of this chapter as are applicable to combatants generally, a female applicant will submit to pregnancy test prior to the contest. ()

03. Addendum Requirement. A female combatant will, in addition to signing the contract, sign an

addendum certifying that the combatant is not pregnant and that the contest. ()

105. HEALTH INSURANCE.

The promoter may not require a participant to pay a deductible associated with care provided under Section 54-408(5), Idaho Code. If a participant injured during a contest or exhibition pays for medical, surgical or hospital care, the insurance proceeds must be paid to the participant or the participant's beneficiaries for reimbursement for the payment. ()

106. SURETY BOND OR OTHER SECURITY.

01. Requirement. Every promoter who applies for a sanctioning permit shall furnish a surety bond or other form of financial security to the Commission consistent with Section 54-408, Idaho Code. ()

02. Various Locations. The promoter may apply one (1) bond or other form of financial security to multiple locations if only one (1) of the covered locations is scheduled for an event on any given calendar date. ()

03. Total Sum. Each bond or other form of financial security must be conditioned for the payment to the Commission of a sum equivalent to the total sale of tickets if the main event is neither held on the original date advertised nor on a subsequent date fixed by the Commission. ()

04. Sum Due. The sum is due within fifteen (15) days after default, to ensure reimbursement to the purchasers of tickets for the event, if the reimbursement of ticket holders is ordered by the Commission. ()

107. APPROVAL OF SANCTIONED EVENT PERMITS.

01. Prior Approval. A sanctioning permit to hold an event on a specific date, and a permit must be issued by the Commission before the event may be announced or advertised. ()

02. Deadline. A complete application together with application fees, applicable bond amount, proof of insurance, and information regarding the combatants named in the main and semi-main contest must be received by the Commission no less than thirty (30) days prior to the date requested for the event named in the application. Combatants named in contests may be changed at the discretion of the Commission. ()

03. Cancellation. The failure of the promoter to notify the Commission of a cancellation at least seven (7) calendar days before the date for the program will result in the forfeiture of all fees and will be grounds for disciplinary action. ()

108. ARRANGEMENT OF CONTEST FOR PROMOTER.

A Contest may not be arranged on behalf of a promoter except by a licensed matchmaker. ()

109. LICENSES RETAINED.

No person will be retained by a promoter unless currently licensed by the Commission. ()

110. MANAGER ACTING AS SECOND.

A manager licensed by the Commission may act as a second without having a second's license. ()

111. REQUIREMENTS FOR LICENSE AS A RING OFFICIAL.

01. Qualifications. To qualify for a license as a ring official of contests, an applicant will: ()

a. Be at least twenty-one (21) years of age. The Commission may, for good cause shown, lower the minimum age limit for a particular applicant to eighteen (18) years of age; ()

b. Submit a record of conviction of a crime for Commission review in compliance with Section 67-9411, Idaho Code; ()

c. Have had at least one (1) year experience in amateur or professional contest as a ring official, or other experience as approved by the Commission; ()

d. Submit verifications from two (2) persons of proficiency as a ring official; and ()

e. Each referee licensed by the Commission will be required to undergo an eye examination conducted by an optometrist or ophthalmologist. The Commission may request the licensee to produce all records of the examination. The Commission may require each referee license by the Commission to submit to a pre-fight physical. ()

f. In lieu of the above qualifications, the Commission may accept satisfactory evidence of equivalent qualifications possessed by an applicant who is currently licensed in another state or country. ()

112. OFFICIALS OF EVENTS.

01. Officials Described. The officials of events are the referee, judges, timekeeper, physician, and the Commission's agents. ()

02. Commission Involvement. The Commission will have final approval of all officials. The promoter may select the announcer subject to the Commission's approval. ()

113. REFEREES.

01. Protests. If any licensee of the Commission protests the assignment of a referee, the protesting licensee will be given a hearing by the Commission if time permits. If time does not permit, the matter will be heard by two (2) Commissioners in order to make such disposition of the protest as the facts may justify. Protests not made in a timely manner may be summarily rejected. ()

02. Physical Examination. Each referee licensed by the Commission may be required to submit to or provide proof of a complete physical examination, including an eye examination. ()

114. JUDGES.

01. Selection. The Commission will approve the judges for the main event in championship events and for any other events which the Commission considers to be special events. ()

02. Protests. If any licensee of the Commission protests the assignment of a judge, the protesting license will be given a hearing by the Commission if time permits. If time does not permit, the matter will be heard by two (2) Commissioners in order to make such disposition of the protest as the facts may justify. Protests not made in a timely manner may be summarily rejected. ()

03. Station of Judges. Judges will be stationed ringside at places approved by the Commission. ()

04. Physical Examination. Each judge licensed by the Commission may be required to submit to or provide proof of a complete physical examination, including an eye examination. ()

115. DISCIPLINE.

01. Grounds for Discipline. The Commission may take disciplinary action including denial, suspension, or revocation of a license, or other appropriate action, against an applicant or licensee for: ()

a. Violation of the laws or rules of the Commission. ()

b. A felony conviction relevant to licensure with the Commission; ()

c. Engaging in illegal bookmaking; ()

- d.** Engaging in any illegal gambling activity; ()
- e.** Engaging in any fraud or misrepresentation in the application process; ()
- f.** A recent history of drug abuse or failing a drug test or refuses to submit to a drug test; ()
- g.** Being under suspension from any other commission; ()
- h.** Failure to report to the Commission a request or suggestion that a contest not be conducted honestly. ()
- i.** Engaging in any activity or practice which is detrimental to the best interests of a contest regulated by the Commission. ()
- j.** Failing to appear to an agreed-upon event without written good cause from a physician designated by the Commission prior to weigh in; or ()
- k.** Allowing any person under suspension to take part as a participant or in arranging or conducting matches or exhibitions. ()
- 02.** **Suspension of Revocation.** Licensees with suspended or revoked licenses of this state or another state may not: ()
- a.** Participate in contests; ()
- b.** Participate in matchmaking or holding contests; ()
- c.** Enter dressing rooms at the premises where any program of is being held; ()
- d.** Sit within six (6) rows of seats from the ring platform; ()
- e.** Approach within six (6) rows of seats from the ring platform; ()
- f.** Communicate in the arena or near the dressing rooms with any of the principals in the contests, their managers, their seconds, or the referee, whether directly or by a messenger, during any program. ()
- 03.** **Removal from Premises.** Persons who violate the above rule may be ejected from the arena or building where the program is being held, and thereafter, are barred entirely from all premises used for contests or exhibitions while the programs are being held. ()
- 04.** **Disciplinary Action for Use of Dishonest Methods.** Any license revoked for dishonesty, influencing the outcome of any contest, or for conduct reflecting serious discredit upon the sport, will not be eligible to be reinstated for six (6) months for the first offense and permanently in the event of a second violation. ()
- 05.** **Temporary Suspension.** A manager under temporary suspension forfeits all managerial rights related to any licensed combatant during any sanctioned event. A combatant, matchmaker, or promoter who engages with a suspended manager may be indefinitely suspended. ()
- 06.** **Continuation.** A combatant whose manager is suspended may compete independently and sign match contracts. Promoters may not pay a suspended manager or their agent, but must pay the combatant in full. ()
- 116.** **AMATEUR ATHLETIC SANCTIONING ORGANIZATIONS.** The Commission, in its sole discretion, may approve an entity as an officially recognized amateur athletic sanctioning organization that may sanction amateur events which: ()

- 01. Application. Submits an application on a Commission approved form. ()
- 02. Minimum Experience. Can demonstrate that its officers or principals have a minimum of three (3) years total combined amateur or professional experience in at least three (3) of the following areas: ()
 - a. Referee: ()
 - b. Promoter: ()
 - c. Judge: ()
 - d. Inspector; or ()
 - e. Training and instruction at an established business. ()
- 03. Authorized Business. Is duly registered with the Idaho Secretary of State as a business authorized to work in Idaho, including a current tax registration through the Department of Revenue. ()

117. FEES.

<u>FEE TYPE</u>	<u>AMOUNT</u>	<u>RENEWAL</u>
Professional Combatant	\$150.00	\$150.00
Amateur Combatant	\$100.00	\$100.00
Non-combatant	\$150.00	\$150.00
Matchmaker	\$250.00	\$250.00
Promoter	\$1,000.00	\$750.00
Sanction permit	\$200.00	\$200.00
Ring official	\$150.00	\$150.00

()

118. – 199. (RESERVED)

200. PHYSICIAN QUALIFICATIONS.

A physician is an individual licensed under the laws of this state to engage in the general practice of medicine or osteopathic medicine. A physician will also have training or experience in combative sports. ()

201. PHYSICIAN'S DETERMINATION OF FITNESS OF COMBATANTS AND REFEREE – CERTIFICATION – REPORT.

01. Determination of Physician. The physician who examines any combatant or referee who has contracted to participate in an event will determine that a combatant or referee will not participate in the event and must immediately report such finding to the promoter and the Commission if: ()

- a. The combatant is unfit for competition; or ()
- b. The referee is unfit for officiating. ()

02. Written Certification. If the examining physician finds that the combatants and referees are in good physical condition, the physician will, one (1) hour before the start of the event, give written certification of

those findings to the Commission. ()

03. Physician's Written Report. Within twenty-four (24) hours after the event ends, the physician will mail or deliver to the Commission his written report on every licensee he examined. The report will be on a form furnished by the Commission. ()

04. Non-Certification. In the event a licensee is determined to be unfit to compete or officiate, they shall be suspended until a physician certifies that they are fit for further competition or officiating. ()

202. COMBATANT'S REPORT OF OWN ILLNESS OR INJURY – EXAMINATION – FEE.

01. Combatant's Report of Non-Participation to Commission. When a licensed combatant is unable to take part in a contest for which they are under contract because of injury or illness, they will immediately report the fact to the Commission and submit to an examination by a physician designated by the Commission. ()

02. Payment of Fees to Physician. The fee for the physician's examination will be paid by the promoter if they have requested the examination, otherwise the fee will be paid by the combatant. ()

203. PREPARATIONS TO STOP HEMORRHAGING.

The Commission will periodically review the preparations available to stop hemorrhaging. Avitene and Thrombin are the only Commission approved preparations to stop hemorrhaging. ()

204. PROHIBITED SUBSTANCES.

Prohibited substances *as incorporated by reference in Rule 002.03* are regulated by *the* Commission in the following manner: ()

01. Urinalysis. A combatant will submit to a urinalysis or chemical test before or after a contest if the Commission directs him to do so. ()

02. Suspension. A Combatant who tests positive for a prohibited substance in quantities prohibited by the incorporated document will forfeit purse. ()

03. Procedure for Testing for Prohibited Substance(s). ()

a. The Commission reserves the right to conduct random drug testing. Combatants may be tested by urine specimen or blood test at the discretion of the Commission. *Such drug testing may be overseen by a Commission-approved Physician, including all collection of samples, at the Commission's discretion.* ()

b. *From the time a test is requested to the time a sample is collected, only water may be consumed.* ()

c. The physician or agent *of the Commission* will transport the sample to the testing laboratory *while maintaining the chain of custody.* ()

205. PERCENTAGE OF GATE RECEIPTS TO COMBATANT.

Each combatant working on a percentage basis will be paid on the basis of the net receipts of each exhibition after state and federal taxes, ring expenses, and the value of complimentary tickets have been deducted. ()

206. FINANCIAL CONFLICTS OF INTEREST.

01. Sureties. A combatant may not have a promoter or any of its members, stockholders, officials, matchmakers or assistant matchmakers act directly or indirectly as manager, or hold any financial interest in the management of the combatant's earnings. ()

02. Advances. A promoter licensed by the Commission will not, directly or indirectly, make any loan or advance to any combatant or manager, unless the promoter has the express written permission of the Commission for that action. ()

207. PAYMENTS.

01. Generally. All payments must be made in legal tender including bank checks and transfers, unless specified by contract with approval of the Commission. ()

02. Combatants. Consistent with Section 54-402, Idaho Code, promoters may not compensate amateurs for participating in or being associated with events, including paying an amateur to sell tickets or merchandise or provide services related to an event. ()

03. Promoters. Promoters may withhold from a combatant's purse money, if agreed upon in writing and approved by the Commission, up to ten percent (10%) of the purse. Reconciliation of these expenses and payment of the remaining purse shall be made to the Commission within seven (7) working days after the contest, and written approval of the combatant. The Commission may grant an extension of up to thirty (30) days for good cause shown. ()

04. Manager's Share. A manager's share of the purse may be deducted and paid directly to the manager if the contract so specifies. ()

05. Timing. Checks or cash shall be released to entitled persons immediately after the contest of exhibition, or after the combatant's percentage of net receipts is determined, unless otherwise ordered by the Commission. ()

06. Alternative Payment. The Commission may permit alternative forms of payment, subject to a written request from the promoter at least thirty (30) days before the contest, detailing the proposed method of payment and showing good cause for a waiver of the Commission's provisions. The promoter shall comply with all Commission requirements and procedural directives if the request is granted. ()

208. – 298. (RESERVED)

299. CHANGES TO MAIN AND SEMI-MAIN EVENTS.

01. Notice. The promoter must request Commission approval of any change, including substitutions, in an announced or advertised program for the main and semi-main events at least one (1) week before the event. Notice of any change or substitution must also be conspicuously posted at the box office of the premises where the program is to be held and announced from the ring before the opening contest. ()

02. Refunds. If such change to the main or semi-main events occur and any patron desires a refund of the ticket price, the promoter will provide a refund upon presentation of the ticket or the ticket stub at the box office before the event is scheduled to begin. The box office must remain open a reasonable length of time to redeem such tickets. ()

300. PROGRAM FOR CHARITY.

01. Application. A promoter may present an event for charity upon application to the Commission. The Commission will review any application that includes the name of the benefiting charity and EIN establishing 501(c)(3) or (6) status before issuing a sanctioning permit for the contest or exhibition at the Commission's sole discretion. The Commission may waive any rules within this chapter, including fees, for charity events. ()

02. Certified, Itemized Statement. Within five (5) business days after such a program is held, the promoter will furnish to the Commission a certified itemized statement of the receipts and expenditures in connection with the program and the net amount paid to the charitable fund or organization. If the promoter fails to file the statement within the prescribed time, the Commission: ()

a. May suspend or revoke the promoter's license; and ()

b. May prohibit the promoter from holding any program for charitable purposes. ()

301. BEVERAGE CONTAINERS.

All drinks at an event will be dispensed in paper or plastic cups. ()

302. – 399. (RESERVED)

400. TICKETS.

01. Selling Tickets. Promoters may not sell tickets beyond the seating capacity of a venue; no standing room sections are allowed. All attendees must present a ticket, except: ()

a. A Commission designee or Commission member; ()

b. Persons designated by the Commission for official duty; ()

c. Officials attending under provisions of state law or these rules; ()

d. The principals, managers, and corners involved in the contest; ()

e. The emergency personnel on duty for the contest; ()

f. Press; and ()

g. Persons arranged by the promoter or employed by the venue for other duties. ()

02. Complimentary Tickets. Pursuant to Section 54-411(2), Idaho Code, complimentary tickets are limited to two percent (2%) of the seats. ()

03. Revenue. All revenues from the contest must be reported to the Commission within thirty (30) days of the contest. The state fee on those gross receipts will be delivered to the Commission with this report. To comply with this section: ()

a. Licensees cannot resell or enter into a contract to resell tickets; ()

b. A promoter may not issue a ticket to any person for the purpose of readmission due to leaving the arena and later reentering the arena without the Commission's written permission; and ()

c. Requests for changes in ticket prices or dates of programs will be made in writing to the Commission for approval. ()

04. Inventory of Tickets. Promoters must prepare an inventory of all tickets and send that inventory to the Commission within thirty (30) days of any contest. ()

05. Records. The promoter must maintain records related to tickets and revenues for at least six (6) months. ()

401. – 499. (RESERVED)

500. POSTPONEMENT OF PROGRAM.

01. Prior Approval. A promoter may only postpone a sanctioned event with approval from the Commission. ()

02. No Fault Postponement. If a postponement of a sanctioned event becomes necessary through no fault of the promoter, the Commission will grant an extension of the contracts and set a new date. ()

03. Limitations on Postponement. A promoter may not call off a sanctioned event without one (1) week prior written approval of the Commission. A small advance sale is not a legitimate reason for postponement. Indoor boxing and wrestling programs may not be called off or canceled on account of storms or for any other reason not expressed in this chapter except as approved by the Commission. ()

501. MEDICAL PREPAREDNESS.

A promoter must contact the local fire department prior to any event to ensure adequate medical readiness coverage is present for the event. ()

502. SANITATION.

Each promoter is responsible for and must correct any violation of the regulations of the Commission or the public health district regarding the sanitary condition of dressing rooms, showers, water bottles, towels or other equipment, including prior to, during, and after conclusion of an event. ()

503. AUTHORIZED PERSONS IN DRESSING ROOMS.

01. Authorized Persons to Enter. On the day of a contest only the following people are allowed in the dressing room of a combatant: ()

- a.** The combatant's manager; ()
- b.** The combatant's seconds; ()
- c.** Any authorized agent of the promoter; and ()
- d.** Members of the Commission or its agent. ()

02. Other Persons. The promoter will furnish a doorman or doormen at the entrance to the dressing rooms to enforce this section. ()

504. EQUIPMENT OF THE CHIEF SECOND.

01. Equipment. The chief second will be equipped with: ()

- a.** A clear plastic water bottle; ()
- b.** A bucket containing ice; ()
- c.** A solution of a kind approved by the Commission for stopping hemorrhaging; ()
- d.** Adhesive tape; ()
- e.** Gauze; ()
- f.** Scissors; and ()
- g.** One (1) extra mouthpiece. ()

02. Ammonia. No ammonia may be used in the ring. ()

03. Inspection. The ring physician or the Commission may at any time inspect the contents of the chief second's first-aid kit. ()

505. – 599. (RESERVED)

600. WEIGHING IN OF COMBATANTS.

01. Attendees and Scales Used at Weigh-In. Each combatant will be weighed in the presence of the public, the other combatant, the Commission and an official representing the promoter, on scales approved by the Commission at any place designated by the Commission. ()

02. Attire. The combatant will have all weights stripped from his body before they are weighed in, but they may wear shorts. ()

03. Press Attendance. Press who provide official identification will be admitted to each final weighing in of a combatant. ()

04. Security. The owner or operator of the premises in which the weighing in is held will provide adequate security for all those present. ()

601. COMBATANTS MUST REPORT.

Each combatant will report to the Commission in the dressing rooms at least one (1) hour before their scheduled time of the first match. ()

602. COSTUME AND EQUIPMENT.

01. Costume. Each combatant on a program will provide the Commission approved ring costume. ()

02. Fit. The trunks must be loose fitting and made of a lightweight cloth. The belt of the trunks must not extend above the waist line. ()

03. Other Equipment. Each combatant will wear: ()

a. A mouthpiece which has been individually fitted; and ()

b. An abdominal cup. ()

603. COMBATANT'S PHYSICAL APPEARANCE.

01. Grease or Foreign Substances. The excessive use of grease or any other foreign substance may not be used on the face of a combatant. The referees or the Commission will cause any excessive grease or foreign substance to be removed. ()

02. Hair. The Commission will determine whether head or facial hair presents any hazard to the safety of the combatant or their opponent or will interfere with the supervision and conduct of the contest. ()

604. PHYSICIAN – SUITABLE PLACE TO EXAMINE COMBATANT – FEE – EMERGENCY TREATMENT.

01. Suitable Examination Place. The promoter will provide the physician designated by the Commission a suitable place to examine each combatant. ()

02. Fees. The physician is entitled to receive a fee for their services at a bout. ()

03. Emergency Treatment. The physician will give any injured combatant temporary or emergency treatment in the arena or dressing room and no additional fee may be charged. ()

605. CONTINUOUS PRESENCE OF PHYSICIAN AT RINGSIDE.

01. Presence of Physician at Ringside. The physician designated by the Commission will sit at the immediate ringside at every event. A contest may not proceed unless the physician is seated at ringside. The physician must not leave until released by the Commission. ()

02. Injury to Combatant During Round. When a combatant appears to have been injured during the course of a round, their manager or second cannot attempt to render aid before the physician has had an opportunity to examine them. ()

606. PROCEDURE FOR USE OF SCORECARDS.

01. Scorecards. The Commission will give scorecards to each judge before the start of the contest. ()

02. Scoring by Judges. The judges will score each round of the contest on an individual scorecard and sign it. The scorekeeper will pick up the scorecard from each judge and turn in the scorecards at the Commission's desk at the end of the contest. ()

607. REFEREE'S INSTRUCTIONS TO COMBATANTS.

Before the contest, the referee will ask the combatant the name of their chief second, who will be in charge of any assistant seconds during the contest. The referee will call combatants together before each contest for final instructions, accompanied only by their chief second. ()

608. LIMITATIONS ON SECONDS.

01. Number of Seconds. No combatant will have more than three (3) seconds except that in a contest for a world title the Commission may authorize four (4) seconds. ()

02. Excessive Use of Water. Any excessive or undue spraying or throwing of water on any combatant by a second between rounds is prohibited. ()

609. PERSONS ALLOWED IN RING.

No persons other than the combatants and the referee may be in the ring during the progress of a round. ()

610. UNFAIR PRACTICES – DUTIES OF REFEREES.

01. Enforcing the Rules. A referee is responsible for enforcing the rules of the contest and cannot permit unfair practices that may cause injury to a combatant. ()

02. Warnings. Referees will warn the combatants whenever they are committing fouls. ()

03. Deducting Points. If a combatant persists in committing fouls after a warning, the referee may deduct points from or disqualify them. ()

611. STOPPING OF CONTEST – ONE-SIDED CONTEST – RISK OF INJURY – EXAMINATION BY PHYSICIAN.

01. One-Sided Contested. The referee may stop a contest at any stage if they consider it too one-sided or if either combatant is in such a condition that to continue might subject him to serious injury. ()

02. Risk of Injury and Examination by Physician. If a combatant sustains any injury concerning to the referee, the referee will call the physician into the ring to examine the combatant. The physician will give their opinion to the referee before the referee renders a decision in the matter. ()

612. STOPPING OF CONTEST – COMBATANT NOT HONESTLY COMPETING.

If the referee decides a combatant is not intelligently defending themselves, they may stop the contest before its scheduled completion, disqualify the combatant and recommend the purse of that combatant be held pending investigation by the Commission. The announcer will then inform the audience that no decision has been rendered. ()

613. FAILURE OF COMBATANT TO RESUME.

A combatant may not leave the ring during any one (1) minute rest period between rounds. If any combatant fails or

refuses to resume the contest when the bell sounds signaling the commencement of the next round, the referee will award a decision of technical knockout to their opponent as of the round which has last been finished, unless the circumstances indicate to the referee the need for investigation or punitive action, in which event the referee will not give a decision and will recommend the purse or purses of either or both combatants to be withheld. ()

614. PROCEDURE WHEN COMBATANT IS KNOCKED OUT.

A combatant who has been knocked out will be kept in a prone position until they have recovered. Except for the referee or chief second who may remove the mouthpiece, no one may touch them until the ring physician enters the ring and attends to them. ()

615. CHANGE OF DECISION IN CONTEST.

The Commission will not change a decision rendered at the end of any contest unless the combatant files an appeal with the Commission providing documentation that demonstrates: ()

01. Collusion. Collusion affecting the result of the contest. ()

02. Error in Scoring. The compilation of scorecards of the judges showing an error which shows that the decision was given to the wrong combatant. ()

03. Error in Interpretation of Rules. As a result of an error in interpreting a provision of this chapter, the referee has rendered an incorrect decision, or ()

04. Failure of Drug Test. The Commission determines that there was a violation of Section 205. ()

616. PHYSICIAN'S REPORT TO COMMISSION AFTER CONTEST.

On the report which the Commission-designated physician files after a contest, they shall list each case in which a combatant was injured during the contest, or applied for medical aid after the contest. ()

617. – 699. (RESERVED)

700. GENERAL RULES NOT INCORPORATED BY REFERENCE.

01. Use of Official Rules for Art. Any rules not incorporated by reference must be submitted to the Commission for approval before the Commission will issue a sanctioning permit for the contest or exhibition at the Commission's sole discretion. ()

02. Gloves. For main and semi-main events, gloves will be in new condition and substantially similar for each combatant. ()

701. SUSPENSION OF MMA CONTEST FOR UNFORESEEN REASONS.

01. Unforeseen Reasons. If a contest has to be suspended for any reason other than the actions of the combatants, the referee will have the clock stopped and attend to the issue. The referee, Commission or Commission's representative will decide the length of time allotted to address the issue. All reasonable efforts are made to resume the contest as soon as possible. It is expected that the responsible party or parties make a true effort to resolve the issue. ()

02. Suspicious Circumstances. If the contest is unexpectedly stopped under suspicious circumstances, all or part of the following actions may take place: ()

a. If a combatant or his corner is involved, the offending combatant may be disqualified. ()

b. The combatant may be subject to investigation and discipline in the event of a violation of these rules. ()

c. In certain circumstances the matter may be referred to the appropriate law enforcement agency or

the courts, or both. ()

702. – 799. (RESERVED)

800. BOXING – RULES.

A licensed combatant in a boxing contest must adhere to the Unified Rules of the Association of Boxing Commissions and Combative Sports Unified Boxing Rules. ()

01. The Association of Boxing Commissions and Combative Sports. The Commission adopts the Unified Boxing Rules of the Association of Boxing Commissions and Combative Sports as the official Rules of the Idaho Athletic Commission for boxing. ()

02. Weights and Classes of Boxing Combatants. The classes and weights for each class are shown in the following schedule: ()

- a.** Strawweight – up to one hundred five (105) pounds. ()
- b.** Light-Flyweight – over one hundred five (105) to one hundred eight (108) pounds. ()
- c.** Flyweight – over one hundred eight (108) to one hundred twelve (112) pounds. ()
- d.** Super Flyweight – over one hundred twelve (112) to one hundred fifteen (115) pounds. ()
- e.** Bantamweight – over one hundred fifteen (115) to one hundred eighteen (118) pounds. ()
- f.** Super Bantamweight – over one hundred eighteen (118) to one hundred twenty-two (122) pounds. ()
- g.** Featherweight – over one hundred twenty-two (122) to one hundred twenty-six (126) pounds. ()
- h.** Super Featherweight – over one hundred twenty-six (126) to one hundred thirty (130) pounds. ()
- i.** Lightweight – over one hundred thirty (130) to one hundred thirty-five (135) pounds. ()
- j.** Super Lightweight – over one hundred thirty-five (135) to one hundred forty (140) pounds. ()
- k.** Welterweight – over one hundred forty (140) to one hundred forty-seven (147) pounds. ()
- l.** Super Welterweight – over one hundred forty-seven (147) to one hundred fifty-four (154) pounds. ()
- m.** Middleweight – over one hundred fifty-four (154) to one hundred sixty (160) pounds. ()
- n.** Super Middleweight – over one hundred sixty (160) to one hundred sixty-eight (168) pounds. ()
- o.** Light-Heavyweight – over one hundred sixty-eight (168) to one hundred seventy-five (175) pounds. ()
- p.** Cruiserweight – over one hundred seventy-five (175) to two hundred (200) pounds. ()
- q.** Heavyweight – all over two hundred (200) pounds. ()

03. Exceeding Weight Allowances. No contest may be scheduled and no combatant may engage in a

boxing contest without the approval of the Commission if the difference in weight between combatants exceeds the allowance shown in the following schedule: ()

- a. Up to one hundred eighteen (118) pounds – not more than three (3) pounds. ()
- b. One hundred eighteen (118) to one hundred twenty-six (126) pounds – not more than five (5) pounds. ()
- c. One hundred twenty-six (126) to one hundred thirty-five (135) pounds – not more than seven (7) pounds. ()
- d. One hundred thirty-five (135) to one hundred forty-seven (147) pounds – not more than nine (9) pounds. ()
- e. One hundred forty-seven (147) to one hundred sixty (160) pounds – not more than eleven (11) pounds. ()
- f. One hundred sixty (160) to one hundred seventy-five (175) – not more than twelve (12) pounds. ()
- g. One hundred seventy-five (175) to one hundred ninety-five (195) pounds – not more than twenty (20) pounds. ()
- h. One hundred ninety-five (195) pounds and over – no limit. ()

04. **Licensing Exemption.** Amateur Boxing Organizations that meet the conditions set forth within Section 54-406(3)(b), Idaho Code, are considered exempt from the licensing requirements set forth in these rules. ()

05. **Boxing Gloves.** The gloves used in a boxing contest must meet the following requirements: ()

- a. All gloves will be examined by the Commission and the referee. The Commission or referee may require the examined gloves to be discarded and replaced with gloves acceptable to the Commission. ()
- b. The gloves for every main event will be new, of the same brand for both combatants, furnished by the promoter, and of the size specified by the Commission. ()
- c. Each combatant will wear gloves that are not less than eight (8) ounces and not more than ten (10) ounces in weight except that the Commission will set the weight of gloves to be used in a championship fight. Eight (8) ounce gloves will be used for all weight classes through welterweight (one hundred forty-seven (147) lbs). Super welterweight (above one hundred forty-seven (147) lbs) and above must use ten (10) ounce gloves. ()

06. **Bandaging of Combatant's Hands.** Bandages may not exceed one (1) winding of surgeon's adhesive tape, not over one and one-half (1 1/2) inches wide, placed directly on the hand to protect the part of the hand near the wrists. The tape may cross the back of the hand twice but may not extend within three-fourths (3/4) inch of the knuckles when the hand is clenched to make a fist. ()

- a. Each combatant will use soft surgical bandage not over two (2) inches wide, held in place by not more than six (6) feet of surgeon's adhesive tape for each hand. Up to one (1) fifteen (15) yard roll of bandage may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages. ()
- b. Bandages must be adjusted in the dressing room in the presence of the Commission and both combatants. *Either combatant may waive this privilege.* ()

801. BOXING RING.

A boxing ring will meet the following requirements: ()

01. Ring Dimensions. The ring will be not less than sixteen (16) feet square not more than twenty-four (24) feet square within the ropes. The ring floor will extend at least eighteen (18) inches beyond the ropes. The ring floor will be padded with Ensolite or another similar closed-cell foam. Padding will extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used. ()

02. Ring Platform. The ring platform will not be more than four (4) feet above the floor of the building, and will be provided with suitable steps for use of combatants. Ring posts will be of metal, not more than three (3) inches in diameter, extending from the floor of the building to a height of fifty-eight (58) inches above the ring floor. Rings posts will be at least eighteen (18) inches away from the ropes. ()

03. Ropes. There will be four (4) padded ring ropes, not less than one (1) inch in diameter and wrapped in soft material. The lower rope will be eighteen (18) inches above the ring floor and offset four (4) inches to the outside of the ring from the ropes above. ()

802. KNOCKDOWN OF BOXING COMBATANT – PROCEDURE FOR COUNTING.

01. Knockdown. When a combatant is knocked down, the referee will order the opponent to retire to the farthest neutral corner of the ring, and immediately begin the count over the combatant who is down. If the opponent fails to stay in the farthest neutral corner, the referee will cease counting until he has returned to his corner and will then go on with the count from the point at which it was interrupted. The referee indicate the passing of the seconds. A combatant is knocked down, no combatant may be allowed to resume boxing until the referee has finished counting to eight (8) and is assured that the combatant just arisen is in condition to continue. ()

02. Knock-Out. When a combatant is knocked out, the referee will perform a full ten (10) second count unless, in the judgment of the referee, the safety for the combatant would be jeopardized by such a count. If the combatant is still down when the referee calls the count of ten (10), the referee will indicate there has been a knockout. ()

03. Both Combatants Down. If both combatants go down at the same time, the count will be continued as long as one (1) is still down. If both combatants remain down until the count of ten (10), the contest is stopped and the decision is a technical draw. ()

803. RESUMING COUNT ON BOXING COMBATANT.

If a knockdown occurs before the normal termination of a round and the boxer who is down stands up before the count of ten (10) is reached and then falls down immediately without being struck, the referee will resume the count where it was left off. If the combatant is on the ring platform outside the ropes, he must enter the ring immediately where he may resume the contest or take a count. The referee will start the count as soon as the combatant who had fallen is back in the ring. ()

01. Stalling Outside Ropes. If the combatant stalls for time outside the ropes, the referee will start the count without waiting for him to reenter the ring. ()

02. Combatant to Neutral Corner. When one (1) combatant has fallen through the ropes, the other combatant will retire to the farthest corner and stay there until ordered to continue the contest by the referee. ()

03. Penalty. A combatant who deliberately wrestles or throws an opponent from the ring, or who hits when he is partly out of the ring and is prevented by the ropes from assuming a position of defense, may be penalized. ()

804. BOXING COMBATANT DEEMED DOWN.

A boxer is deemed to be down when any part of his body other than his feet is on the floor or when he is prevented from falling to the floor by the ropes. ()

805. – 899. (RESERVED)

900. WRESTLING – SPECIAL LICENSE FOR A CONTEST.

Unless a special license has been obtained, all professional wrestling programs under the supervision and authority of the Commission are only exhibitions and not contests, and those exhibitions cannot be advertised or announced as contests. ()

901. WRESTLING – DISQUALIFICATION FOR DANGEROUS TACTICS.

01. Restrictions. The referee will not permit physically dangerous conduct or tactics. Any wrestler who fails to discontinue those tactics, after being warned by the referee, will be disqualified and have their purse held up and paid to the Commission. ()

02. Professionalism. A referee cannot participate in an exhibition to the extent that the Commission or the referee is made to look ridiculous. ()

902. LICENSEE'S DUTIES AT WRESTLING EXHIBITION.

01. Conduct. The referee, promoter and their agents, attaches and employees, and participants in any wrestling exhibition will maintain peace, order and decency in the conduct of the exhibition. ()

02. No Abusive Behavior. A person involved in such exhibition will not abuse the referee or an official of the Commission. ()

03. Decision and Appeal. The Commission will hear any complaint about a referee or an official. ()

903. WRESTLERS – PHYSICAL EXAMINATION.

Any person applying for or renewing a license as a wrestler will first be examined by a physician approved by the Commission to establish physical and mental fitness. A wrestler will be furnished a list of approved examining physicians by the Commission. The Commission may order the examination of any wrestler for the purpose of determining whether the wrestler is fit and qualified to engage in further exhibitions. ()

904. – 999. (RESERVED)

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.21.01 – CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC, AND WATER PUBLIC UTILITIES (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1, 2025, in the year of the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to the General legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the specific legal authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

During last Session’s committee hearing it was requested the Idaho Public Utilities Commission make a change in IDAPA 31.21.01.304.02 (Rule 304) for this Legislature’s review; change the word “may” to “shall” in Rule 304.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2024, Idaho Administrative Bulletin, [Vol. 24-8, pages 185-186](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen Goodson at (208) 334-0323.

DATED this 30th day of August, 2024.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to the General legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the specific legal authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, and 61-520, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 21, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

During a legislative committee hearing, it was requested the Public Utilities Commission make a one word change in IDAPA 31.21.01.304.02 Rule the following year, change the word “may” to “shall.”

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this set of rules went through negotiated rulemaking last year according to the Zero-Based Rulemaking process. Language in Rule 304 was adjusted to reflect the request of House Committee Chairman.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rulemaking or to obtain a preliminary draft copy of the rule text, contact Stephen Goodson at (208) 334-0323. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the Idaho Public Utilities Commission web site at the following web address: www.puc.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 28, 2024.

DATED this 5th day of July, 2024.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 31-2101-2401

31.21.01 – CUSTOMER RELATIONS RULES FOR GAS,
ELECTRIC, AND WATER PUBLIC UTILITIES
(THE UTILITY CUSTOMER RELATIONS RULES)

304. REQUIREMENTS FOR NOTICE TO CUSTOMERS BEFORE TERMINATION OF SERVICE
(RULE 304).

01. **Initial Notice.** If the utility intends to terminate service to a customer under Rule 302, the utility will send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. Written notice may be provided by electronic mail (i.e. e-mail) if the customer is billed electronically and separately consents in writing to receiving electronic notification. This written notice will contain the information required by Rule 305. (7-1-24)

02. **Final Notice.** The utility ~~may~~ shall mail a final written notice to the customer at least three (3) calendar days, excluding weekends and holidays, before the proposed date of termination. ~~Regardless of whether~~ When the utility ~~elects to mails~~ a written notice, at least twenty-four (24) hours before the proposed date of termination, the utility must diligently attempt to contact the customer affected, either in person or by telephone, to advise the customer of the proposed action and steps to take to avoid or delay termination. This final notice will contain the same information required by Rule 305. (7-1-24)()

03. **Additional Notice.** If service is not terminated within twenty-one (21) calendar days after the proposed termination date as specified in a written notice the utility will again provide notice under Subsections 304.01 and 304.02 if it still intends to terminate service. (7-1-24)

04. **Failure to Pay.** No additional notice of termination is required if, upon receipt of a termination notice, the customer: (7-1-24)

- a. Makes a payment arrangement and subsequently fails to keep that arrangement; (7-1-24)
- b. Tenders payment with a dishonored check; or (7-1-24)
- c. Makes an electronic payment drawn on an account with insufficient funds. (7-1-24)

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.41.01 – CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE TELEPHONE CUSTOMER RELATIONS RULES)

DOCKET NO. 31-4101-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 61, and the Public Records Act, Section 74-107(13), Idaho Code, and Executive Order No. 2020-01.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

These rules are being adopted by the Idaho Public Utilities Commission in compliance with the Governor's [Executive Order No. 2020-01 – Zero Based Regulation](#). Negotiated Rulemaking was conducted on August 29, 2024. A summary of the rulemaking can be found at the Commission's website [here](#).

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2024 Idaho Administrative Bulletin, [Vol. 24-10, pages 283-304](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen Goodson at (208) 334-0323.

DATED this 30th day of October, 2024.

Monica Barrios-Sanchez, Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg. 8, Ste 201-A
Boise, ID 83714
P.O. Box 83720
(208) 334-0323 Office
(208) 334-4045 Fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to the General legal authority of the Public Utilities Law, Chapters 1 through 7, Idaho Code, and the specific legal authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 62-605, 62-606, 62-612, 62-616, and 62-622, Idaho Code, with regard to service.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Public Utilities Commission initiated this rulemaking in compliance with [Executive Order No. 2020-01: Zero-Based Regulation](#), issued by Governor Little on January 16, 2020. The goal of the rulemaking is to perform a critical and comprehensive review of the entire chapter in an attempt to reduce overall regulatory burden, streamline various provisions, and increase clarity and ease of use.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 7, 2024 Idaho Administrative Bulletin, [Vol. 24-8, pages 187-188](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Slamming regulations promulgated by the Federal Communications Commission, 47 CFR 1100 through 1170 and 64.1190 (October 1, 2011).

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen Goodson (208) 334-0323. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2024.

DATED this 30th day of August, 2024.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 31-4101-2401

**31.41.01 – CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS
PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION
BY THE IDAHO PUBLIC UTILITIES COMMISSION**

(THE TELEPHONE CUSTOMER RELATIONS RULES)

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code, and the Telecommunications Act of 1988, Chapter 6, Title 62, Idaho Code, and the specific authority of Sections 61-301, 61-302, 61-303, 61-315, 61-503, 61-507, 61-520, 62-605, 62-606, 62-612, 62-616, and 62-622, Idaho Code, ~~with regard to service.~~ (3-31-22)()

001. ~~TITLE AND SCOPE (RULE 1).~~

~~The name of this chapter is the “Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission,” (The Telephone Customer Relations Rules). For companies subject to Commission regulation under Title 62, Idaho Code, these rules apply to companies providing local exchange service as defined in Section 62-603, Idaho Code. This chapter has the following scope: These rules provide a set of fair, just, reasonable, and non-discriminatory rules to address recurring areas of disagreement between local exchange companies and other telephone companies and customers with regard to deposits, guarantees, billing, application for service, denial of service, termination of service, complaints to telephone companies, billing for interrupted service, and provision of certain information about customers to authorities.~~ (3-31-22)()

002. ~~WRITTEN INTERPRETATIONS — AGENCY GUIDELINES (RULE 2).~~

~~Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary.~~ (3-31-22)

003. ~~ADMINISTRATIVE APPEALS (RULE 3).~~

~~This rule governs formal complaints and requests for exemption under these rules. Any telephone company or customer requesting and receiving an informal staff determination with regard to a complaint may formally request the Commission to review the staff’s determination. If unusual hardships result from the application of any of these rules, any telephone company or customer may apply to the Commission for, or the Commission on its own motion may order, a permanent or temporary exemption. A formal complaint or request for exemption must be filed with the Commission pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.~~ (3-31-22)

002. -- 003. (RESERVED)

004. (RESERVED) INCORPORATION BY REFERENCE (RULE 4).

01. 47 CFR 1100 through 1170 and 64.1190 (October 1, 2011), with the following modifications: ()

a. Form. Complaints regarding an unauthorized carrier change may be filed with the Commission in person, by mail, by e-mail, or by telephone. E-mail complaint forms to secretary@puc.idaho.gov. A copy of the telephone bill(s) in dispute and other relevant evidence shall be provided to the Commission by the complaining party. The slamming complaint shall include the following information: ()

i. Name, address and telephone number of complainant: ()

ii. Name/identity of the alleged slamming carrier: ()

iii. Name of the previous authorized carrier: ()

iv. Name of the billing entity: ()

- v. Date the alleged slamming occurred; ()
- vi. Whether the customer has been restored to the preferred carrier; ()
- vii. Whether the customer has paid any or all of the disputed charges; ()
- viii. Efforts in attempting to resolve the alleged slamming; and ()
- ix. Whether the customer was charged for changing carrier(s). ()

005. DEFINITIONS (RULE 5).

The following definitions are used in this title and chapter: (3-31-22)

01. Customer. A “customer” is a person or entity who has requested service or currently receives service from a telephone company or has assumed responsibility for payment of service provided to another person or entity. Any person whose service has been temporarily disconnected for non-payment will continue to be a “customer” for the purposes of these rules until such time as service is permanently disconnected. (3-31-22)

~~**02. Local Exchange Company (LEC).** “Local exchange company” (LEC) is a telephone company providing local exchange service to end-users. (3-31-22)~~

~~**03. Message Telecommunications Service (MTS).** “MTS” (commonly known as “long distance service”) means the transmission of two-way interactive switched voice communication between local exchange areas. (3-31-22)~~

04. Other Services. “Other services” mean all services except local exchange and MTS services provided, billed, or collected by a telephone company. (3-31-22)

~~**05. Residential Service.** “Residential service” means telecommunication service furnished and maintained at a dwelling primarily for personal or domestic purposes and not for business, professional or institutional purposes, i.e., service provided to residential customers as defined in Section 62-603(9), Idaho Code. (3-31-22)~~

~~**06. Small Business Service.** “Small business service” means telecommunication service furnished to a business or institutional entity, whether an individual, partnership, corporation, association or other business or institutional form, for occupational, professional, or institutional purposes, to customers who do not subscribe to more than five (5) local access lines which are billed to a single billing location, i.e., service provided to small business customers as defined in Section 62-603(11), Idaho Code. (3-31-22)~~

~~**07. Telephone Company.** Unless further restricted by definition within a rule or a group of rules, “telephone company” means any entity subject to this Commission’s regulation as a provider of telecommunication services to end-users under the Public Utilities Law (Idaho Code, Title 61, Chapters 1-7) or subject to this Commission’s authority under the Telecommunications Act of 1988, as amended, (Idaho Code, Title 62, Chapter 6) or the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq). (3-31-22)~~

006. -- 007. (RESERVED)

008. EXERCISE OF RIGHTS BY CUSTOMER (RULE 8).

Telephone company will not discriminate against or penalize a customer for exercising any right granted by these rules. (3-31-22)

~~**009. INFORMAL COMPLAINTS AND INTERPRETATION OF RULES (RULE 9).**~~

~~Commission staff may informally interpret these rules and tariffs or other filings of telephone companies and investigate complaints made to the Commission. The Commission may issue orders interpreting these rules, telephone company tariffs or similar filings, and resolving formal complaints. (3-31-22)~~

009. (RESERVED)

010. CONFLICT WITH TELEPHONE TARIFFS OR PRICE LISTS (RULE 10).

If a telephone company's tariff or price list denies or restricts customer rights protected by these rules, these rules supersede conflicting tariff or price list provisions. (3-31-22)

~~**011. INCORPORATION BY REFERENCE -- CODE OF FEDERAL REGULATIONS (RULE 11).**~~

~~Rules 701 through 703 incorporate by reference federal regulations issued by the Federal Communications Commission. The incorporated regulations are found in the Code of Federal Regulations available from the U.S. Government Printing Office. Incorporated materials are also available for inspection and copying at the offices of the Public Utilities Commission. (3-31-22)~~

~~**012**~~**1. -- 099. (RESERVED)**

RESIDENTIAL AND SMALL BUSINESS DEPOSIT
Rules 100 through 199

100. DEPOSIT REQUIREMENTS -- LECS (RULE 100).

01. Residential Customers. Telephone companies providing local exchange service will not demand or hold any deposit from any residential customer for service without proof that the customer is likely to be a credit risk or to damage the property of the local exchange company or other companies for which it bills. A history of late payment or lack of previous history with the local exchange company does not, in itself, constitute such proof. A local exchange company will not demand or hold a deposit under this rule as a condition of service from a residential customer unless one (1) or more of the following criteria applies: (3-31-22)

a. The customer has outstanding a prior residential service account and at the time of application for service remains unpaid and not in dispute. (3-31-22)

b. The customer's service has been temporarily denied or terminated within the past four (4) years for one (1) or more of the following reasons: (3-31-22)

i. Non-payment of any undisputed delinquent bill; (3-31-22)

ii. Obtaining, diverting or using telephone service without the authorization or knowledge of the telephone company. (3-31-22)

c. The customer does not have verifiable previous telephone service that was in existence for a period exceeding twelve (12) months and does not pass an objective credit screen. (3-31-22)

d. The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status. (3-31-22)

e. The customer requests service at a residence where a prior subscriber still resides and where any balance for service to that prior subscriber incurred at that location is past due or owing. (3-31-22)

02. Small Business Customers. Telephone companies providing local exchange service will not demand or hold any deposit as a condition of service from any current small business customer for small business service unless one (1) or more of the following criteria apply: (3-31-22)

a. Any of the conditions listed in Rule 100.01 of this rule are present. (3-31-22)

b. The customer has not had previous service with that telephone company. (3-31-22)

c. The customer was delinquent in payment two (2) or more times in the previous twelve (12) months. (3-31-22)

03. Bankrupt Customers. If a customer, either residential or a small business, has sought any form of relief under the Federal Bankruptcy Laws, has been brought within the jurisdiction of the bankruptcy court for any reason in an involuntary manner, or has had a receiver appointed in a state court proceeding, then a deposit may be demanded as allowed by the Federal Bankruptcy Laws. (3-31-22)

101. OTHER DEPOSIT STANDARDS PROHIBITED (RULE 101).

A local exchange company will not require a deposit or other guarantee as a condition of new or continued residential telephone service ~~based upon residential ownership or location, income level, source of income, employment tenure, nature of occupation, race, creed, sex, age, national origin, marital status, number of dependents, or any other criterion not authorized by these rules. Rules governing deposits will be applied uniformly~~ except as expressly authorized by these rules. If the customer, either residential or small business, selects another company to provide services and arranges to be billed directly by that company rather than through the local exchange company, no deposit may be collected by the local exchange company for the services provided by the other company. (3-31-22)()

102. EXPLANATION FOR DENIAL OF SERVICE OR REQUIREMENT OF DEPOSIT -- LECS (RULE 102).

If the local exchange company requires a deposit as a condition of providing service, then it will immediately provide an explanation to the customer why a deposit is required. The customer will be given an opportunity to rebut these reasons. The notice will also advise the customer that if there is a dispute an informal or formal complaint may be filed with the Commission. (3-31-22)

103. AMOUNT OF DEPOSIT -- LECS (RULE 103).

A deposit allowed pursuant to Rule 100 as a condition of service by a local exchange company must not exceed two (2) months' charges for local exchange service. Additional deposits for damage or other reasons independent of usage may be in reasonable amounts. (3-31-22)

104. INTEREST ON DEPOSITS (RULE 104).

01. Interest Payable. Interest will be payable on the deposited amounts at the rate provided by Rule 104.02. Interest will accrue from the date the deposit is made until the deposit is refunded or applied to the customer's bill; however, interest will not accrue on a deposit if: (3-31-22)

a. Service is terminated temporarily at the request of the customer who leaves the deposit with the telephone company for future use as a deposit; or (3-31-22)

b. Service has been permanently terminated and the telephone company has been unsuccessful in its attempt to refund a deposit. (3-31-22)

02. Interest Rate. On or before November 15 of each year, the Commission will determine the twelve-month average interest rate for one-year Treasury Bills for the previous November 1 through October 31, round that rate to the nearest whole percent, and notify the telephone companies of its determination of this interest rate. That rate will be in effect for the following calendar year for all deposits described in Rule 104.01. (3-31-22)

105. RETURN OF DEPOSIT -- LECS (RULE 105).

01. Former Customers. Upon termination of service the telephone company will credit the deposit, ~~(with accrued interest)~~, to the final bill then promptly return any remaining balance to the customer. (3-31-22)()

02. Existing Customers. If the customer has paid all undisputed bills and has no more than one (1) late payment during the past twelve (12) consecutive months of service, the telephone company will promptly return the deposit, ~~(with accrued interest)~~ by crediting the customer's current account or issuing a refund. (3-31-22)()

03. Retention During Dispute. The local exchange company may retain the deposit pending resolution of a dispute over termination of service. If the deposit is later refunded to the customer, the local exchange company will pay interest at the annual rates established in Rule 104 for the entire period over which the deposit was held. (3-31-22)

04. Early Return of Deposit. A local exchange company may refund a deposit plus accrued interest in whole or part at any time before the time prescribed in this rule. (3-31-22)

106. TRANSFER OF DEPOSIT AND OUTSTANDING BALANCE (RULE 106).

Deposits will not be transferred from one (1) customer to another customer or between classes of service, except at the customer's request. When a customer with a deposit on file transfers service to a new location within the same telephone company's service area in Idaho, the deposit and any outstanding balance will be transferred to the account for the new location. (3-31-22)()

107. RECORDS OF DEPOSITS (RULE 107).

01. Receipts. Each customer paying a deposit will be provided the following information: (3-31-22)

- a. Name of customer and service address for which deposit is held; (3-31-22)
- b. Date of payment; (3-31-22)
- c. Amount of payment; and (3-31-22)
- d. Terms and conditions governing the return of deposits. (3-31-22)

~~**02. Retention of Records.** Each telephone company will maintain records that will enable a customer entitled to a return of a deposit to obtain a refund even though the customer may be unable to produce the receipt for the deposit. These records must include the name of each customer, the service location(s) and telephone number(s) of the customer while the deposit is retained, and the date(s) and amount(s) of the deposits. The telephone company will retain records of deposits that have been refunded to customers for a period of three (3) years after the date of refund. The telephone company will retain records of unclaimed deposits for a period of seven (7) years as required by Section 14-531, Idaho Code. (3-31-22)~~

~~**03. Transfer of Records.** Upon the sale or transfer of any telephone company or any of its operating units, the seller will certify to the Commission that it has a list showing the names of all customers whose service is transferred and who have a deposit on file, the date the deposit was made and the amount of the deposit. (3-31-22)~~

~~**108. UNCLAIMED DEPOSITS AND ADVANCE PAYMENTS (RULE 108).**~~

~~**01. Presumption of Abandonment.** Pursuant to Section 14-508, Idaho Code, any deposit or advance payment made to obtain or maintain local exchange service or other services that is unclaimed by the owner for more than one (1) year after termination of service is presumed abandoned. (3-31-22)~~

~~**02. Financial Assistance Program.** A telephone company may apply to the Commission for approval to pay unclaimed deposits and advance payments presumed to be abandoned to a financial assistance program which assists the telephone company's low income and disadvantaged customers with payment of utility bills. The telephone company will file its report of such abandoned property as required by Section 14-517, Idaho Code, and retain records as required by Section 14-531, Idaho Code. (3-31-22)~~

~~**109.**~~ -- 199. (RESERVED)

BILLING
Rules 200 through 299

200. FURTHER DEFINITION (RULE 200).

As used in Rules 201 through 205, "bill" or "billing statement" refers to a written request for payment listing charges for goods and services that is mailed or otherwise delivered to the customer for payment. A billing statement may be provided to the customer in an electronic format with the customer's consent. Oral notice of the amount of charges pending is not a bill. Bills include requests for payments for services rendered by other telephone companies or other entities that are not telephone companies. This rule does not apply to billings between or among telephone

companies. (3-31-22)

201. ISSUANCE OF BILLING STATEMENTS -- CONTENTS OF BILLS -- RESIDENTIAL AND SMALL BUSINESS SERVICE (RULE 201).

01. Local Exchange Service. Billing statements for residential and small business local exchange service will be regularly issued and must contain the following information: (3-31-22)

a. The date the billing statement is issued; (3-31-22)

b. The time period covered by the billing statement; (3-31-22)

c. The due date by which payment must be received; unless the customer has authorized automatic monthly payment. If automatic payment is authorized, the customer must be informed in writing when funds will be withdrawn from a bank account or charged to a credit card account. In addition, the billing statement must state the actual or earliest possible date that funds will be withdrawn or the credit card charged unless the customer consents otherwise in writing at the time automatic payment is authorized; (~~3-31-22~~)()

d. Any amounts transferred from another account; (3-31-22)

e. Any amounts past due; (3-31-22)

f. Any payments or credits applied to the customer's account since the last bill; (3-31-22)

g. The total amount due; (3-31-22)

h. Names of all telephone companies or entities providing goods and services for which the customer is billed, sufficient information to readily identify the goods and services provided, and the amounts charged; (3-31-22)

i. The toll-free telephone number(s) available to customers for answering inquiries and resolving complaints about goods and services billed; (3-31-22)

j. An itemization of charges for goods and services provided to the customer and any associated fees, taxes, surcharges or subscriber line charges. Charges for each good or service provided as part of a package under a single price, or calling plans in which individual calls are billed at a flat rate regardless of usage need not be separately itemized. (3-31-22)

02. MTS Bills. In addition to the requirements of Rule 201.01, bills for MTS service must identify the number called and the date, time, duration, destination and charge for each call, unless the customer has selected a flat rate calling plan. For collect and third-party calls, the MTS provider must also itemize the origin of the call. (~~3-31-22~~)()

03. Other Services. No telephone company may send demand letters or initiate collection efforts for any amount owed by a customer who subscribes to or is billed for services other than local exchange service and MTS services provided by another telephone company unless the bill separately lists those services as required by this rule. (3-31-22)

04. Customer Request for Less Detail. Upon customer request, telephone companies may provide billing statements containing less detail than required by this rule. Telephone companies must make available without charge detailed billing information for the preceding twelve (12) months to those customers who have elected to receive less detail on monthly billing statements but subsequently request more detail. (3-31-22)

202. DUE DATE OF BILLS -- DELINQUENT BILLS (RULE 202).

The telephone company may require that bills for service be paid within a specified time after the billing date. The minimum specified time after the billing date is fifteen (15) days (or twelve (12) days after mailing or delivery of a paper or electronic bill, if bills are mailed or delivered more than three (3) days after the billing date). Upon the

expiration of this time without payment, the bill may be considered delinquent. With the customer's approval, automatic monthly payments made by withdrawal from a bank account or charged to a credit card account may take place prior to the normal due date if the customer has authorized such a payment. (3-31-22)

203. BILLING ERRORS, BILLING UNDER INCORRECT RATES, OR FAILURE TO BILL (RULE 203).

01. Billing Errors -- Failure to Bill. Whenever the billing for telephone service was not accurately billed because of malfunction in billing equipment or error in preparation of bills, the telephone company shall prepare a corrected billing. If the telephone company has not billed a customer for service provided, the telephone company shall prepare a bill for the period in which service was provided and the customer was not billed. At its discretion, the telephone company may waive rebilling for undercharges. (3-31-22)

02. Billing Under Incorrect Rates. A customer has been billed under an incorrect rate if the customer was billed under a rate for which the customer was not eligible or the customer, who is eligible for billing under more than one (1) rate, was billed under a rate contrary to the customer's election or the election was made based upon erroneous information provided by the telephone company. If a customer is billed under an incorrect rate, the telephone company must recalculate the customer's past bills and correctly calculate future bills based on the appropriate rate. The telephone company is not required to adjust bills when it has acted in good faith based upon information provided by the customer. (3-31-22)

03. Rebilling Time Period. (3-31-22)

a. If the time when the billing error, billing under incorrect rates, or failure to bill (collectively referred to as "billing problem") began cannot be reasonably determined to have occurred within a specified billing period, the corrected billings will not exceed the most recent six (6) months before the discovery of the billing problem. (3-31-22)

b. If the time when the billing problem began can be reasonably determined, and the telephone company determines the customer was overcharged, the corrected billings will go back to that time, ~~but not to exceed three (3) years from the time the billing problem occurred~~ as provided by Section 61-642, Idaho Code. (3-31-22)()

c. If the time when the billing problem began can be reasonably determined and the telephone company determines the customer was undercharged, the company may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. The telephone company is responsible for identifying customers who have not been billed or who have been inaccurately billed. (3-31-22)

04. Refunds. The telephone company will promptly calculate refund amounts overpaid by the customer and issue a credit within two (2) billing cycles. Any remaining credit balance will be credited against future bills unless the customer, after notice from the telephone company, requests a refund and the amount is more than twenty-five dollars (\$25). The telephone company will advise the customer of the option to have any remaining credit balance exceeding twenty-five dollars (\$25) refunded. (3-31-22)

05. Additional Payments. The telephone company will promptly prepare a corrected billing for a customer who has been undercharged, indicating the amount owed to the company. An unbilled or undercharged customer will be given the opportunity to make payment arrangements under Rule 310 on the amount due. At the customer's option, the term of the payment arrangement may extend for the length of time that the underbilling accrued or the customer was not billed. (3-31-22)

204. BILLING PROHIBITED -- BILLING DISPUTES (RULE 204).

01. Unauthorized Charges. No telephone company will bill for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone service or other goods and services not ordered or otherwise authorized by the customer of record. A telephone company that unknowingly submits a bill containing charges for unanswered or unaccepted telephone calls, telephone calls placed to a toll-free number, or telephone

service or other services or goods not ordered or otherwise authorized by the customer of record shall be considered in violation of this rule unless the disputed amounts are removed from the customer's bill within two (2) billing cycles of the customer's notification to the company. (3-31-22)

02. Billing Disputes. A telephone company that bills and collects for other telephone companies or entities is responsible for either addressing billing disputes regarding unauthorized goods and services for which it bills or advising customers how to contact the providers of those goods and services. If a customer is unable to either contact or successfully resolve a dispute about unauthorized goods and services for which the telephone company bills, a credit equal to the disputed charges must be applied to the customer's account within two (2) billing cycles of the customer's notification to the company. (3-31-22)

205. RESPONSIBILITY FOR PAYMENT OF RESIDENTIAL SERVICE BILLS (RULE 205).

01. Customer Defined. For purposes of this rule, "customer" means a person whose name appears on the telephone company's regular bill for residential service or who signed a written application for residential service or another document informing the customer that he or she was assuming an obligation for payment of service. (3-31-22)

~~**02. Customer's Responsibility.** A telephone company will not hold a customer responsible for paying an amount not billed for the customer's own service or through use of the customer's own credit or facilities and whose own name does not appear on the current bill or application for service, unless: (3-31-22)~~

~~**a.** The customer expressly accepts responsibility for payment of the other person's bill; or (3-31-22)~~

~~**b.** The customer has a legal obligation to pay the other person's bill. (3-31-22)~~

03. Customer Notice. The telephone company will provide written notice of its intent to add to the customer's bill for current service an amount owed for another person's bill or service rendered at a former service location, if the lapse in service exceeds sixty (60) calendar days. The notice may be provided in an electronic format with the customer's consent. (3-31-22)

04. Contents of Notice. The notice must include: (3-31-22)

a. The name of the customer of record who owes the bill; (3-31-22)

b. The service location and telephone number or account number involved; (3-31-22)

c. The time over which the bill amount was accumulated; (3-31-22)

d. The amount owed; (3-31-22)

e. The reason(s) for adding the bill amount to the customer's billing statement; (3-31-22)

f. Statement that payment arrangements may be made on the amount owed; (3-31-22)

g. A statement that the customer has a right to contest the telephone company's proposed action by contacting the Commission; and (3-31-22)

h. The response deadline after which the bill amount will be added to the customer's billing statement. (3-31-22)

05. Opportunity to Respond. The telephone company will give the customer at least seven (7) calendar days from the date of its proposed action to respond to the telephone company notice. (3-31-22)

206. -- 299. (RESERVED)

DENIAL, RESTRICTION, AND TERMINATION OF SERVICE
Rules 300 through 399

300. EXPLANATION FOR DENIAL OF A SERVICE TO A CUSTOMER (RULE 300).

If a telephone company intends to deny service to a customer under Rule 301, the telephone company will provide an explanation to the customer stating the reasons for the telephone company's refusal to provide service and the necessary action(s) to be taken to receive service. In the event of a dispute, the customer will be advised that an informal or formal complaint concerning denial of service may be filed with the Commission. (3-31-22)

301. GROUNDS FOR DENIAL OR TERMINATION OF LOCAL EXCHANGE SERVICE WITH PRIOR NOTICE (RULE 301).

A telephone company may deny or terminate local exchange service to a customer without the customer's permission, but only after adequate notice has been given in accordance with these rules, for one (1) or more of the following reasons: (3-31-22)

01. Customer Did Not Pay Undisputed Bills. With respect to undisputed past due bills for local exchange service, the customer: (3-31-22)

a. Failed to pay; (3-31-22)

b. Paid with a dishonored check; or (3-31-22)

c. Made an electronic payment drawn on an account with insufficient funds. (3-31-22)

d. The customer failed to make a security deposit, when one is required. (~~3-31-22~~) ()

e. The customer failed to abide by the terms of a payment arrangement. (3-31-22)

f. The telephone company determines as prescribed by relevant state or other applicable standards that the customer is willfully wasting or interfering with service through improper equipment or otherwise. (3-31-22)

g. The customer is a minor not competent to contract as described in Sections 29-101 and 32-101, Idaho Code. (3-31-22)

02. No Obligation to Connect Service. Nothing in this rule requires the telephone company to connect service for a customer who owes money on an existing account or from a previous account if the unpaid bill is for service provided within the past four (4) years. (3-31-22)

302. GROUNDS FOR DENIAL OR TERMINATION OF A SERVICE, WITHOUT PRIOR NOTICE (RULE 302).

A telephone company may deny or terminate a service or all services without prior notice to the customer and without the customer's permission for any of the following reasons: (3-31-22)

01. Dangerous Condition. A condition immediately dangerous or hazardous to life, physical safety, or property exists, or it is necessary to prevent a violation of federal, state or local safety or health codes. (3-31-22)

02. Ordered to Terminate Service. The telephone company is ordered to terminate service by any court, the Commission, or any other duly authorized public authority. (3-31-22)

03. Illegal Use of Services. The service(s) was (were) obtained, diverted or used without the authorization or knowledge of the telephone company. (3-31-22)

04. Customer Unable to Be Contacted. The telephone company has tried diligently to meet the notice requirements of Rule 303, but has been unsuccessful in its attempt to contact the customer. (3-31-22)

05. Misrepresentation. The telephone company has determined that information provided by the customer is materially false or materially misrepresents the customer's true status. (3-31-22)

303. REQUIREMENTS FOR NOTICE BEFORE TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 303).

01. Initial Notice. If the telephone company intends to terminate local exchange service under Rule 301, it will send to the customer written notice of termination mailed at least seven (7) calendar days before the proposed date of termination. Written notice may be provided by electronic mail (i.e. e-mail) if the customer is billed electronically and separately consents in writing to receiving electronic notification. This written notice will contain the information required by Rule 304. (3-31-22)

02. Final Notice. At least twenty-four (24) hours before actual termination, the telephone company will diligently attempt to contact the customer to apprise the customer of the proposed action and the steps the customer must take to avoid or delay termination. This oral notice will contain the same information required by Rule 304. (3-31-22)

03. Additional Notice. If the telephone company has not terminated service within twenty-one (21) days after the proposed termination date as specified in a notice, the telephone company will again provide notice under Rules 303.01 and 303.02 if it still intends to terminate service. (3-31-22)

04. Failure to Pay. No additional notice of termination is required if, upon receipt of a termination notice: (3-31-22)

a. The customer makes a payment arrangement and subsequently fails to keep that arrangement; (3-31-22)

b. The customer tenders payment with a dishonored check; or (3-31-22)

c. Makes an electronic payment drawn on an account with insufficient funds. (3-31-22)

304. CONTENTS OF NOTICE OF INTENT TO TERMINATE LOCAL EXCHANGE SERVICE (RULE 304).

01. Contents of Notice. The written, electronic or oral notice of intent to terminate local exchange service required by Rule 303 will state: (3-31-22)

a. The reason(s), citing these rules, why service will be terminated and the proposed date of termination; (3-31-22)

b. Actions the customer may take to avoid termination; (3-31-22)

c. That a certificate notifying the local exchange company of a serious illness or medical emergency in the household may delay termination under Rule 306; (3-31-22)

d. That an informal or formal complaint concerning termination may be filed with the telephone company or the Commission, and that service will not be terminated on grounds relating to the dispute between the customer and telephone company before resolution of the complaint (the Commission's mailing address, Internet address, and telephone number must be given to the customer); (3-31-22)

e. That the telephone company is willing to make payment arrangements (in a written notice this statement must be in bold print); and (3-31-22)

f. What amount must be paid in order to avoid termination of local exchange service and that partial payments will be applied toward past due charges for local exchange service first. (3-31-22)

305. SERIOUS ILLNESS OR MEDICAL EMERGENCY (RULE 305).

01. Medical Certificate -- Postponement of Termination of Local Exchange or Long-Distance

Services. A telephone company offering local exchange or long-distance service between a residential customer and the customer's nearest community providing necessary medical facilities or services must postpone termination of local exchange or long-distance service to a residential customer for thirty (30) calendar days from the date of receipt of a written certificate signed by a licensed physician or public health official with medical training. The certificate must contain the following information: (3-31-22)

a. A statement that the customer, a member of the customer's family, or other permanent resident of the premises where service is provided, is seriously ill or has a medical emergency or will become seriously ill or may have a medical emergency because of termination of service; and that termination of local exchange service would adversely affect the health of that customer, member of the customer's family, or resident of the household. (3-31-22)

b. If the customer requests that termination of long-distance service be postponed, a statement that termination of long-distance service would impair the customer's ability to communicate with necessary medical facilities or services. (3-31-22)

c. The name of the person whose serious illness or medical emergency would be adversely affected by termination and the relationship to the customer. (3-31-22)

d. The name, title, and signature of the person certifying the serious illness or medical emergency. (3-31-22)

02. Restoration of Service. If local exchange or long-distance service has already been terminated when the medical certificate is received, the appropriate service will be restored as soon as possible, but no later than twenty-four (24) hours after receipt. The customer will receive local exchange and necessary long-distance services for thirty (30) calendar days from the telephone company's receipt of the certificate. (3-31-22)

03. Second Postponement. The telephone company may postpone termination of local exchange and necessary long-distance service for an additional thirty (30) days upon receipt of a second certificate stating that the serious illness or medical emergency still exists. (3-31-22)

04. Verification of Medical Certificate. The telephone company may verify the authenticity of the certificate and may refuse to delay termination of service if the certificate is a forgery or is otherwise fraudulent. (3-31-22)

05. Obligation to Pay. Nothing in this rule relieves the customer of the obligation to pay any undisputed bill. (3-31-22)

306. MEDICAL FACILITIES -- SHELTER CARE (RULE 306).

Where local exchange or long-distance services are provided to a customer known by the telephone company to be or identifying itself as a medical care facility, including a hospital, medical clinic with resident patients, nursing home, intermediate care facility or shelter care facility, notice of pending termination will be provided to the Commission as well as to the customer. Upon request from the Commission, a delay in termination of no less than seven (7) calendar days from the date of notice will be allowed so that action may be taken to protect the interests of the facility's residents. (3-31-22)

307. INSUFFICIENT GROUNDS FOR TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 307).

01. Termination Prohibited. Telephone companies will not terminate service or provide notice of intent to terminate service if the unpaid bill cited as grounds for termination is: (3-31-22)

a. Less than thirty (\$30) dollars; (3-31-22)

b. For telephone service provided to any other customer or former customer (unless that customer has a legal obligation to pay the other bill) or for a class of service (business or residential) other than the one to which the customer currently subscribes; (3-31-22)

- c. For MTS or other goods and services provided by the telephone company or for which the telephone company bills; (3-31-22)
- d. For service provided four (4) or more years ago unless the customer made a payment on the bill within the past four (4) years, or the customer signed a written payment agreement and then failed to pay; (3-31-22)
- e. The subject of an informal or formal complaint filed with the Commission; or (3-31-22)
- f. Is at issue in a case pending before a court in the state of Idaho unless termination is authorized by court order. (3-31-22)

308. RESTRICTIONS ON TERMINATION OF LOCAL EXCHANGE SERVICE -- OPPORTUNITY TO AVOID TERMINATION OF LOCAL EXCHANGE SERVICE (RULE 308).

01. When Termination Not Allowed. Unless the customer affected has consented in writing, local exchange service will not be terminated on any Friday after twelve noon or on any Saturday, Sunday, legal holidays recognized by the state of Idaho, or after twelve noon on any day immediately before any legal holiday, or at any time when the telephone company's business offices are not open for business, except as authorized by Rules 302.01 and 302.02, or for non-residential customers, as authorized by any Subsection of Rule 302. Local exchange services may be terminated only between the hours of 8 a.m. and 4 p.m., except as authorized by Rules 302.01 and 302.02. (3-31-22)

02. Personnel to Authorize Reconnection. Each telephone company providing local exchange service will have personnel available after the time of termination who are authorized to reconnect service if the conditions cited as grounds for termination are corrected to the telephone company's satisfaction. Customers may be asked to pay reconnection fees before restoration of service. (3-31-22)

03. Service to Persons Not Customers. If local exchange service is provided to a residence and the account is in the name of one who does not reside there, the telephone company, prior to termination, will notify the person(s) receiving service and afford the person(s) a reasonable opportunity to negotiate directly with the telephone company to purchase service in the resident's(s') own name(s). (3-31-22)

04. No Termination While Complaint Pending. Except as authorized by order of the Commission or of the Judiciary, local exchange service will not be terminated for failure to pay amounts in dispute while a complaint over that telephone service filed pursuant to Rule 401 is pending before this Commission or while a case placing at issue payment for that telephone service is pending before a court in the state of Idaho. (3-31-22)

309. PAYMENT ARRANGEMENTS (RULE 309).

01. Arrangements Allowed. When a customer cannot pay a bill in full, the telephone company may continue to serve the customer if the customer and the telephone company agree on a reasonable portion of the outstanding bill to be paid immediately, and the manner in which the balance of the outstanding bill will be paid. (3-31-22)

02. Reasonableness. In deciding on the reasonableness of a particular agreement, the telephone company will take into account the customer's ability to pay, the size of the unpaid balance, the customer's payment history and length of service, and the amount of time and reasons why the debt is outstanding. (3-31-22)

03. Application of Payment. Payments are to be applied first to the undisputed past due balance owed by the customer for local exchange services. In discussing or negotiating payment arrangements, the telephone company shall advise the customer what amount of payment the customer must allocate to local exchange service or to long-distance service or other goods and services in order to retain those goods and services. (3-31-22)

04. Second Arrangement. If a customer fails to make the payment by the agreed due date, the telephone company may, but is not obligated to, enter into a second arrangement. (3-31-22)

05. When Arrangement Not Binding. No payment arrangement binds a customer if it requires the

customer to forego any right provided for in these rules. (3-31-22)

310. DENIAL, RESTRICTION, MODIFICATION, OR TERMINATION OF LONG-DISTANCE SERVICE OR OTHER SERVICES (RULE 310).

01. Compliance. ~~Telephone companies regulated under Title 61, Idaho Code, providing long distance or other services must comply with Rules 300, 302, 308.03, 308.04, and 309 in connection with denial, restriction, modification, or termination of those services. Telephone companies providing long distance or other services must provide reasonable notice before terminating or restricting access to such services, except as provided by Rule 302. Telephone companies providing long-distance services must provide reasonable notice before modifying a customer's existing service. Nothing in this rule abrogates customers' rights under those telephone companies' tariffs or filings, written agreements with customer, or obligations otherwise imposed by statutory or common law.~~ (3-31-22)()

02. Failure to Pay. A customer's failure to pay for undisputed long-distance charges billed by the local exchange company may result in loss of 0+ or 0- and 1+ dialing access to long-distance services until such time as the customer pays the undisputed charges and any applicable reconnection charges. (3-31-22)

03. Loss of Services. Customer failure to pay undisputed charges for other services may result in loss of those services. (3-31-22)

311. CESSATION OF SERVICE IN A SERVICE AREA (RULE 311).

01. Single Local Service Provider. A telephone company that intends to terminate a service regulated under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is the only eligible telecommunications carrier, must comply with the following: (3-31-22)

a. Petition the Commission for authority to terminate the service at least ninety (90) days before the company intends to terminate the service. If the Commission does not deny the petition or set it for hearing within ninety (90) days after receiving the petition, it shall be deemed approved; (3-31-22)

b. Mail a notice to each affected customer and to each telecommunications provider affected by the proposed cessation no later than ten (10) days after filing its petition with the Commission. (3-31-22)

c. Include with its petition a copy of the notice to customers and the number of customers affected by the proposed cessation; (3-31-22)

d. Demonstrate that the termination will not deprive the public of necessary telephone services; (3-31-22)

e. Obtain Commission approval before transferring customers to other telecommunications providers. (3-31-22)

02. Competitive Local Service Provider. A local exchange company that intends to terminate local exchange service that is not subject to regulation under Title 61, Idaho Code, and an eligible telecommunications carrier that intends to terminate its universal service obligation in an area where it is not the only eligible telecommunications carrier, must comply with the following: (3-31-22)

a. Provide notice to the Commission and each affected customer at least forty-five (45) days prior to the proposed termination of service; (3-31-22)

b. Inform the Commission of the number of customers and the other providers affected by the proposed termination, and the company's plan to ensure that all customers served by the company will continue to be served; (3-31-22)

c. The telecommunications company may, after complying with this rule, transfer customers to

another telecommunications provider without obtaining affirmative approval from affected customers if the following conditions are satisfied: (3-31-22)

i. The company terminating service has a written commitment from another provider to accept all of the exiting company's customers within the receiving company's service area; (3-31-22)

ii. All affected customers are notified at least forty-five (45) days in advance that they may apply to another telecommunications company for the service that is being terminated, and that if they do not obtain service from another provider, then the exiting company will automatically transfer them to the receiving company. (3-31-22)

iii. The receiving company may provide service to the terminating company's customers for up to forty-five (45) days without the affected customer applying for service from the receiving company. If the affected customers do not apply for service from or otherwise affirm an agreement to be served by the receiving company within forty-five (45) days, the receiving company may discontinue service. (3-31-22)

312. -- 399. (RESERVED)

COMPLAINT PROCEDURE
Rules 400 through 499

400. COMPLAINT TO TELEPHONE COMPANY (RULE 400).

01. Compliant. A customer for service may complain to the telephone company about any deposit or guarantee required as a condition of service, billing, termination of service, quality or availability of service, or any other matter regarding telephone company services, policies or practices for local exchange service, and other services. Complaints to the telephone company may be made orally or in writing. A complaint is considered filed when received by the telephone company. In making a complaint, the customer will state the customer's name, service address, telephone number and the general nature of the complaint. (3-31-22)

02. Investigation by Utility. The telephone company will promptly, thoroughly and completely investigate the complaint, notify the customer of the results of its investigation and make a good faith attempt to resolve the complaint. The oral or written notification will advise the customer that the customer may request the Commission to review the telephone company's proposed disposition of the complaint. (3-31-22)

03. Service Maintained. The telephone company will not terminate service based upon the subject matter of the complaint while investigating the complaint or making a good-faith attempt to resolve the complaint. (3-31-22)

401. COMPLAINT TO COMMISSION (RULE 401).

01. Informal Complaint. The Commission has authority to investigate and resolve complaints made by subscribers to telecommunication services that concern the quality and availability of local exchange service, or whether price and conditions of service are in conformance with filed tariffs or price lists, deposit requirements for such service or disconnection of such service. If a customer who has complained to a telephone company is dissatisfied with a telephone company's proposed disposition of the complaint, the customer may request the Commission to review informally the disputed issue and the telephone company's proposed disposition of the complaint. The Commission may consider complaints regarding any telephone services over which the Commission has authority. (3-31-22)

02. Termination of Service - Undisputed Bills. Telephone service will not be terminated nor shall termination be threatened by notice or otherwise while the complaint is pending before the Commission. The telephone company may continue to issue bills and request payment from the customer of any undisputed amounts. (3-31-22)

03. Rights Protected. No customer will be denied the opportunity to file an informal or formal complaint with the Commission. (3-31-22)

402. RECORD OF COMPLAINTS (RULE 402).

01. Recordkeeping. Each telephone company must keep a record of written complaints ~~pursuant to Rules 400 and 401~~. These records must be retained for a minimum of one year by the telephone company where the complaints were received. These written records are to be readily available upon request by the complaining customer, the customer's agent possessing written authorization, or the Commission. (3-31-22)()

02. Reporting. When previously requested by the Commission, a telephone company must submit a report to the Commission that states and classifies the number of complaints made to the telephone company pursuant to Rules 400 and 401 and the general subject matter of the complaints. (3-31-22)

403. TELEPHONE COMPANY RESPONSE TO INFORMAL COMPLAINTS (RULE 403).

Within ten (10) business days of receiving notification that an informal complaint involving the telephone company has been filed with the Commission, telephone companies must respond either orally or in writing to the Commission. A telephone company will be granted an extension of time to prepare its response if it represents that it is making a good faith effort to resolve the matter in dispute. A full and complete response should be submitted to the Commission no later than thirty (30) days after receipt of notification from the Commission. (3-31-22)

404. -- 499. (RESERVED)

QUALITY OF SERVICE
Rules 500 through 599

500. QUALITY OF SERVICE (RULE 500).

01. Service Standards. Each telephone company providing local exchange service pursuant to Title 61 or Title 62, Idaho Code, as applicable, and each eligible telecommunications carrier (ETC) is required to employ prudent management and engineering practices to ensure that customers receive the best quality of service practicable. Each telephone company is required to adopt and pursue a maintenance program aimed at achieving efficient operation of its systems to render safe, adequate and uninterrupted service. These programs must include guidelines for keeping all plant and equipment in good repair, including the following: (3-31-22)

- a. Broken, damaged or deteriorated equipment must be promptly repaired or replaced; and (3-31-22)
- b. Transmission problems (including induction, cross-talk, or other poor transmission on any line) must be promptly corrected when located or identified. (3-31-22)

02. Service Outage. If a customer's local telephone service quality deteriorates to such an extent that the customer cannot make local calls or cannot receive local calls or cannot use the service for voice grade communication because of cross-talk, static or other transmission problem, the telephone company must respond to a customer's report of such a "service outage" in accordance with Rule 502. (3-31-22)

501. RESPONSE TO SERVICE OUTAGE (RULE 501).

01. Receipt and Recording of Reports. Each telephone company providing local exchange service will provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of and response to all reports. The telephone company will maintain an accurate record of trouble reports made by its customers. This record will include accurate identification of the affected customer or service, the time, date and nature of the report, the action taken to clear the trouble or satisfy the customer, and the date and time of trouble clearance or other disposition. This record will be available to the Commission or its authorized representatives upon request at any time within two (2) years of the date of the record. (3-31-22)

02. Repair Commitments. Commitments to customers for repair service will be set in accordance with Rule 502. Each telephone company will make every reasonable attempt to fulfill repair commitments to customers. Customers shall be timely notified of unavoidable changes. (3-31-22)

502. REPAIR SERVICE STANDARDS (RULE 502).

01. Restoration of Service. When a telephone company providing local exchange service is informed by a customer of a service outage as described in Rule 500.02, the telephone company will restore service within forty-eight (48) hours after the report of the outage, except: (3-31-22)

a. Restore service within sixteen (16) hours after the report of the outage if the customer notifies the telephone company that the service outage creates an emergency for the customer; or (3-31-22)

b. For outages reported on Friday, Saturday or Sunday, the company must restore service no later than the following Tuesday by 6 p.m. (3-31-22)

02. Extenuating Circumstances. Following disruption of telephone service caused by natural disaster or other causes not within the telephone company's control and affecting large groups of customers, or in conditions where the personal safety of an employee would be jeopardized, the telephone company is required to use reasonable judgment and diligence to restore service, giving due regard for the needs of various customers. When a customer causes the customer's own service outage or does not make a reasonable effort to arrange a repair visit within the service restoration deadline, or when the telephone company determines that the outage is attributable to the customer's own equipment or inside wire, the telephone company is not required to meet the restoration timelines of Rule 502.01. (3-31-22)

03. Compliance Standard. Each month at least eighty percent (80%) of out-of-service trouble reports shall be cleared in accordance with Rules 502.01 and 502.02. (3-31-22)

503. PAYTELEPHONE EMERGENCY ACCESS REQUIRED (RULE 503).

01. Access to Emergency Services. All telephones connected to an OSP are required: (3-31-22)

a. To provide direct access to a local exchange company operator for access to emergency services by dialing "0" (except for OSP customers like hotels, motels, hospitals, dormitories, etc., that direct "0" calls to a person on the OSP customer's premises), and (3-31-22)

b. Where available, to provide direct access to emergency service providers by dialing "911", unless exempted by the Commission pursuant to Rule 102.02 of this rule. Unless exempted, access to the OSP network (other than the local exchange company's) may be made through any other access number or keypad symbol. Exempted providers are required to maintain current lists of local emergency numbers. (3-31-22)

c. Provide or pass through the information required by Enhanced 911 service providers, including but not limited to, signaling system seven ("SS7") and automatic number identification ("ANI"). (3-31-22)

02. Emergency Dialing Instructions. All pay telephones owned or controlled by the OSP customer must be posted with emergency dialing instructions. (3-31-22)

~~**03. Termination of Service for Violation of This Rule.** Consistent with this Commission's rules on termination of service (Telephone Customer Relations Rules 300-314, IDAPA 31.41.01.300 through 31.41.01.314 and Rule 213 of these rules), the LEC must terminate service to customers of record known to be in violation of Rule 102.01 that have not been granted an exemption under Rule 102.02. The Commission or its Staff shall notify the LEC in writing of customers it knows to be in violation and whose service should be terminated. (3-31-22)~~

504. PAYTELEPHONE APPROVED INSTRUMENTS -- OPERATION OF INSTRUMENTS (RULE 504).

01. Registered or Exempt Instruments. All PSPs connecting pay telephones to the network must connect pay telephone instruments that: (3-31-22)

a. Are registered under 47 CFR Part 68 of the Federal Communications Commission (FCC) Rules and Regulations (October 1, 2000) and comply with all Americans with Disabilities Act (ADA) requirements listed in the

Code of Federal Regulations at 28 CFR Part 36 (July 1, 2000) and the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (“ADAAG”) (July 1, 2000). (3-31-22)

b. If not registered, are connected behind a protective coupler registered under Part 68 of the FCC Rules and Regulations; or (3-31-22)

c. Are exempted from registration by the FCC. See Title 47, Part 68.1 through 68.318 (October 1, 2000). (3-31-22)

02. Instruments for the Hearing Impaired. All owners of PSPs connecting pay telephones to the network must connect pay telephones that comply with the requirements of the Telecommunications for the Disabled Act of 1982 (January 3, 1983) and 47 CFR. Parts 68.112 and 68.316 (October 1, 2000) (which address access to the handicapped and hearing aid compatibility). (3-31-22)

505. PAYTELEPHONE EMERGENCY NUMBERS (RULE 505).

Pay telephones must allow coin-free operator and emergency 911 access in any exchange in which 911 service is available. Where 911 service is not available, instructions for completing coin-free emergency calls must be posted on the pay telephone instrument as required in Rule 207. (3-31-22)

506. CONNECTION OF PAY TELEPHONES (RULE 506).

Pay telephones shall be connected only to public access lines (PAL). Every LEC must offer a PAL tariff or price list. There must be one (1) PAL for each pay telephone instrument. (3-31-22)

507. -- 599. (RESERVED)

MISCELLANEOUS PROVISIONS
Rules 600 through 699

600. INFORMATION TO CUSTOMERS (RULE 600).

01. Required Information. Each telephone company providing local exchange service will make the following information available to its customers: (3-31-22)

a. A summary of the general terms and conditions under which service is provided, referring to these rules as appropriate; (3-31-22)

b. A clear and concise explanation of: (3-31-22)

i. All the goods and services for which the customer is billed, including those goods and services provided as part of a package offered by the telephone company; (3-31-22)

ii. All recurring charges associated with individual goods and services or package of goods and services for which the customer is billed; (3-31-22)

iii. Any early termination fees that apply if the customer terminates service prior to the end of a service agreement or contract period; (3-31-22)

iv. The telephone company’s dispute resolution procedures and a statement that an informal or formal complaint may be filed with the Commission; and (3-31-22)

v. If the customer subscribes to non-published service, the circumstances under which the telephone company will release information about the customer or the customer’s service and to whom it will be released. (3-31-22)

02. When and How Information Provided. Information will be provided to customers in writing upon initiation of service and whenever a material change in the terms and conditions of service or charges for goods and services takes place. Information provided upon initiation of service may be separately mailed or included with

the paper or electronic billing statement delivered to the customer. Subsequent notices may be made by separate mailing, included with a billing statement or, with the customer's consent, by electronic notice with reference to information contained on the telephone company's website. (3-31-22)

601. ACCESS TO EMERGENCY SERVICES (RULE 601).

In counties where consolidated emergency communications systems, as defined by Section 31-4802, Idaho Code, are established, the local exchange company will provide access to those services to all its customers. (3-31-22)

602. REQUEST FOR TELEPHONE COMPANY RECORDS (RULE 602).

01. General Rule. If any telephone company subject to these rules is directed by subpoena or court order to disclose customer records, as soon as practical, it will notify the customer what records were requested and of the company's response to the request. In no case will the reasonable period of time under this rule exceed two (2) business days after deciding to abide by that request. (3-31-22)

02. Exceptions. This rule does not apply if a judge of a court of competent jurisdiction has ordered a telephone company not to disclose that it has complied with a court order or subpoena to turn over a customer's telephone records. (3-31-22)

~~**603. AUTOMATIC RECORDING (RULE 603):**~~

~~Certain federal, state or local agencies have been permitted by rule or tariff approved by or filed with the Federal Communications Commission or this Commission to automatically record all telephone conversations on certain lines of the agency. This automatic recording is allowed for security, safety or public interest purposes. Release of telephone conversations automatically recorded by such a government agency for purposes unrelated to security, safety or the public interest is expressly prohibited under the authority of rules or tariffs authorizing automatic recording of conversations. This rule does not preclude the records' release pursuant to independent judicial, executive, legislative, or other order or authorization for release of such conversations, or upon consent of all parties whose conversations were recorded. (3-31-22)~~

603. (RESERVED)

604. PUBLIC NOTICE (RULE 604).

Telephone companies will give "public notice" of all proposed changes in rates as required by Section 62-606, Idaho Code. Public notice required by 62-606 must be reasonably designed to call affected customers' attention to the proposed changes in rates. Legal advertisements alone will not be considered adequate public notice. Individual notice to all customers affected will always constitute public notice. Notices of rate increases must be provided to individual customers at least ten (10) days before change is effective. (3-31-22)()

~~**605. TELEPHONE SOLICITATIONS (RULE 605):**~~

~~Each telephone company providing local exchange service will summarize the provisions of Sections 48-1001 et seq., Idaho Code, in an annual insert in a billing statement mailed to customers or by conspicuous publication in the consumer pages of the local telephone directory. Local exchange companies may meet the requirements of this notice by publishing the following explanation or one (1) substantially similar: (3-31-22)~~

605. (RESERVED)

606. INFORMATION, PRICE LISTS OR TARIFFS FOR NON-LOCAL EXCHANGE SERVICE (RULE 606).

~~**01. Information to be Filed.** All telephone corporations, except mutual nonprofit or cooperative corporations, that did not on January 1, 1988, hold a certificate of public convenience and necessity issued by the Commission and that do not provide basic local exchange service are required by Section 62-604(1)(b), Idaho Code, to file a notice with this Commission before offering services in Idaho. The notice must contain the following information The following must be additionally included on any notice required pursuant to 62-604(1)(b), Idaho Code: (3-31-22)()~~

- ~~**a.** The name of the telephone corporation and the business name of the telephone corporation if it~~

~~does business under an assumed business name;~~ (3-31-22)

~~b. The United States and electronic (if available) mailing addresses of the principal place of business of the telephone corporation, and, if there is a principal place of business in Idaho, the addresses of the principal place of business in Idaho;~~ (3-31-22)

~~ea.~~ An agent in Idaho for service of process by the Commission in the state of Idaho including the agent's United States and electronic (if available) mailing addresses; (3-31-22)

~~d.~~ A description of the telecommunication services offered by the telephone corporation and a map of the area(s) served by the telephone corporation or in which the telephone corporation offers or intends to offer service; (3-31-22)

~~eb.~~ Address(es) and toll-free telephone number(s) for personnel responsible for handling consumer inquiries, complaints, etc., by the public; and (3-31-22)

~~fc.~~ Name(s), United States mail and electronic (if available) addresses, and telephone number(s) of person(s) designated as a contact for the Commission Staff in resolving consumer complaints, responding to consumer inquiries, and answering matters concerning rates and price lists or tariffs. These notices must be updated at least annually, between December 1 and December 31 each year, and whenever there is a change in the telephone corporation's name, address, or agent for service of process. (3-31-22)

02. Service. Notices, orders, rules, complaints and other documents issued by the Commission may be served by United States or electronic mail on the agent for service of process listed pursuant to this rule. This service constitutes due and timely notice to the telephone corporation, and no further service is necessary to bind the telephone corporation. Telephone corporations obligated by statute to file the notice required by this rule, but failing to do so, are bound by the Commission's motions, orders, rules, complaints and other documents upon their filing with the Commission Secretary. (3-31-22)

607. PRICE LISTS OR TARIFF FILINGS (RULE 607).

~~01. Price Lists or Tariffs. All telephone corporations subject to the Telecommunications Act of 1988 are required by Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, to file for informational purposes price lists or tariffs that reflect the availability, price, terms and conditions of all telecommunication services not offered under Title 61 of the Idaho Code. The notice requirements of Section 62-606, Idaho Code, for price lists or tariffs must include:~~ (3-31-22)()

~~a.~~ Contain a title page identifying the telephone corporation; (3-31-22)

~~b.~~ Show on each page the name of the company, the date of issuance and an effective date for their rates; (3-31-22)

~~c.~~ Contain a table of contents; (3-31-22)

~~d.~~ Number pages and paragraphs describing the services; (3-31-22)

~~e.~~ Show when pages or services have been cancelled or revised; and (3-31-22)

~~f.~~ Provide a mechanism (e.g., page revision numbers) for tracing additions, deletions or amendments to the price list or tariff. The price lists or tariffs must include schedules of rates for each type of service generally made available to subscribers, showing the effective date of all rates and charges and listing any rules and regulations associated with provision of the services. Surcharges, discounts, hours of availability, minimum service periods, and other conditions of service must be detailed. (3-31-22)

~~02. Changes to Price Lists or Tariffs. When required by Section 62-606, Idaho Code, changes to price lists or tariffs are effective not less than ten (10) days after filing with the Commission and giving public notice to affected customers except for charges for non-recurring services quoted directly to the customer when an order is~~

~~placed or price reductions, both of which may take effect immediately with filing.~~ Changes to price lists or tariffs must be accompanied by a letter of transmittal stating how affected customers received notice of the changes to price lists or tariffs. ~~See Rule 604.~~ (3-31-22)()

03. Tracking Price Lists or Tariffs. Each revision to a price list or tariff must be accompanied by a cover letter summarizing the changes to the price list or tariff, specifically referring to existing tariff pages affected by the new price list or tariff and stating whether new pages replace, are in addition to, or delete existing pages. The Commission Secretary may adopt a system to number each company's changes to its price lists or tariffs. (3-31-22)

608. FORM AND NUMBER OF COPIES OF PRICE LIST OR TARIFF (RULE 608).
Price lists or tariffs filed pursuant to Section 62-606, Idaho Code, or by this Commission's implementation of Section 62-616, Idaho Code, must have a blank space approximately three by one and one-half inches (3" x 1-1/2") square provided for the Commission's filing stamp in the upper right or lower right corner of each schedule filed. An original and three (3) copies of the price list or tariff must be filed with the Commission. The Commission stamps its indication that the price list or tariff has been filed in the space provided on each copy of the price list or tariff, placing the original in its files and returning one copy to the telephone corporation. (3-31-22)

609. -- ~~699~~701. (RESERVED)

SLAMMING PROVISIONS
Rules ~~700~~ through ~~799~~02

~~**700. THE UNAUTHORIZED CHANGE OF A CUSTOMER'S TELEPHONE COMPANY (RULE 700).**~~
~~Local exchange companies and interexchange carriers are prohibited from submitting or executing an unauthorized change in a customer's selection of a provider of local or long distance telephone service. This practice is commonly referred to as "slamming." The Commission will administer the Federal Communications Commission's regulations regarding slamming.~~ (3-31-22)

~~**701. ADOPTION OF FEDERAL SLAMMING REGULATIONS (RULE 701).**~~
~~The Commission adopts the slamming regulations promulgated by the Federal Communications Commission and found at Sections 64.1100 through 64.1170 and 64.1190, Title 47, Code of Federal Regulations (October 1, 2004).~~ (3-31-22)

702. STATE PROCEDURES (RULE 702).
The federal slamming procedures incorporated by reference in Rule 701 are modified as follows: (3-31-22)

~~**01. Form.** Complaints regarding an unauthorized carrier change may be filed with the Commission in person, by mail, by e mail, or by telephone. E mail complaint forms to secretary@puc.idaho.gov. A copy of the telephone bill(s) in dispute and other relevant evidence shall be provided to the Commission by the complaining party. The slamming complaint shall include the following information:~~ (3-31-22)

- ~~a. Name, address and telephone number of complainant;~~ (3-31-22)
- ~~b. Name/identity of the alleged slamming carrier;~~ (3-31-22)
- ~~c. Name of the previous authorized carrier;~~ (3-31-22)
- ~~d. Name of the billing entity;~~ (3-31-22)
- ~~e. Date the alleged slamming occurred;~~ (3-31-22)
- ~~f. Whether the customer has been restored to the preferred carrier;~~ (3-31-22)
- ~~g. Whether the customer has paid any or all of the disputed charges;~~ (3-31-22)
- ~~h. Efforts in attempting to resolve the alleged slamming; and~~ (3-31-22)

~~i. Whether the customer was charged for changing carrier(s). (3-31-22)~~

021. Procedure. The Commission’s Consumer Assistance Staff shall be responsible for resolving slamming complaints under the Commission’s informal complaint procedures in IDAPA 31.01.01, “Rules of Procedure of the Idaho Public Utilities Commission,” Rules 21 through 24. Not later than twenty-one (21) calendar days after notification of a slamming complaint, the alleged unauthorized carrier shall provide to the Consumer Assistance Staff a copy of any valid proof of verification of the carrier change and any other evidence relevant to the complaint. ~~Use of the Commission’s informal complaint procedures are mandatory.~~ (3-31-22)()

703. -- 999. (RESERVED)

IDAPA 34 – IDAHO SECRETARY OF STATE
34.08.01 – RULES GOVERNING PAID SIGNATURE GATHERERS
DOCKET NO. 34-0801-2401 (NEW CHAPTER)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 34-1807, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Pursuant to S1377, effective July 1, 2024, the Secretary of State implemented a temporary and proposed rule relating to the badge required to be worn by paid signature gatherers for initiatives and referendums. The rule sets forth the badge's font, shape, color, and size requirements.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 557-558](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Robert McQuade at (208) 334-2300.

DATED this 31st day of October, 2024.

Robert H. McQuade, Jr.
Assistant Chief Deputy
Idaho Secretary of State
700 W. Jefferson Street, Room E205
P.O. Box 83720
Boise, ID 83720-0080
(208) 334-2300

**THE FOLLOWING NOTICE PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that the Secretary of State has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 34-1807, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 18, 2024.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Pursuant to S1377, effective July 1, 2024, the Secretary of State is implementing this temporary rule relating to the badge now required to be worn by paid signature gatherers for initiatives and referendums. The rule sets forth the font, shape, color, and size requirements for the badge.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

S1377, which requires paid signature gatherers for initiatives and referendums to wear badges while gathering signatures went into effect July 1, 2024.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was not feasible to conduct negotiated rulemaking due to the narrow requirement for the rule set forth in 34-1807, Idaho Code.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Robert McQuade at (208) 334-2300.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 25, 2024.

DATED this 2nd day of August, 2024.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 34-0801-2401

34.08.01 – RULES GOVERNING PAID SIGNATURE GATHERERS

000. LEGAL AUTHORITY.

Section 34-1807, Idaho Code.

()

001. SCOPE.

These rules outline specifications for badge requirements worn by paid signature gatherers who circulate any petition for an initiative or referendum.

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002. BADGE REQUIREMENTS.

All badges worn by paid signature gatherers as required by Section 34-1807, Idaho Code, must meet the following minimum requirements:

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01. Badge Size. One (1) inch high by three (3) inches wide or larger;

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02. Font Family. 'Arial' font (or similar sans-serif equivalent). No italic or script fonts.

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03. Content and Restrictions. Required text must say 'PAID PETITION CIRCULATOR' in all capital letters with no other text or logos included.

()

04. Font Size. Minimum font size of twenty-four (24) point. Text should take up as much space on the badge as possible while still being legible.

()

05. Font and Background Colors. Black text on white background with no other images or colors.

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003. BADGE TEMPLATE.

The following is a template for use in accordance with Section 002 of these rules:



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004. – 999. (RESERVED)

IDAPA 38 – DEPARTMENT OF ADMINISTRATION
38.05.01 – RULES OF THE DIVISION OF PURCHASING
DOCKET NO. 38-0501-2401 (ZBR CHAPTER REWRITE)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-9204, 67-9205, 67-9206, 67-9215, 67-9219, and 67-9226, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

This rulemaking removes, as agreed to with the legislature, all references and processes related to the invitation to negotiate. The Department is, pursuant to the Governor’s zero-based regulation initiative, also utilizing this rulemaking to perform another comprehensive review of the purchasing rules to make several updates to the rule chapter, simplify and streamline the rules, and ensure alignment between the rule chapter and the governing statutes.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the November 6, 2024, Idaho Administrative Bulletin, [Vol. 24-11, pages 264-282](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

There are no fees associated with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact anticipated from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kim Rau, (208) 332-1824.

DATED this 6th day of December, 2024.

Steve Bailey, Deputy Director
Department of Administration
650 W. State Street
Room 100
Boise, Idaho 83720
steven.bailey@adm.idaho.gov
(208) 332-1824

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-9204, 67-9205, 67-9206, 67-9215, 67-9219, and 67-9226, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

38.05.01 -- Rules of the Division of Purchasing
Monday, November 18, 2024 1:00 p.m. (MST)
In Person: Joe R. Williams Building First Floor, West Conference Room 700 W. State Street Boise, Idaho 83702
Join by Microsoft Teams: Join the meeting now

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking removes, as agreed to with the legislature, all references and processes related to the invitation to negotiate. The Department is, pursuant to the Governor's zero-based regulation initiative, also utilizing this rulemaking to perform another comprehensive review of the purchasing rules to make several updates to the rule chapter, simplify and streamline the rules, and ensure alignment between the rule chapter and the governing statutes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

There is no fiscal impact anticipated from this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, page 409](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: There are no materials incorporated into this rule by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kim Rau (208) 332-1824.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 27, 2024.

DATED this 16th day of October, 2024.

THE FOLLOWING IS THE TEXT OF ZBR DOCKET NO. 38-0501-2401

38.05.01 – RULES OF THE DIVISION OF PURCHASING

SUBCHAPTER A – GENERAL PROVISIONS

000. LEGAL AUTHORITY.

~~The following rules are promulgated in accordance with~~ Section 67-9205(11), Idaho Code, ~~by the administrator of the division of purchasing.~~ (4-6-23)()

001. SCOPE.

These rules govern any other state agency acquiring property under these rules or through delegated authority. ~~These rules also govern the contested case hearing process.~~ (4-6-23)()

~~**002. CONSTRUCTION.**~~

~~“Include,” “Includes,” and “Including” are terms of enlargement and not of limitation or exclusive enumeration. Unless otherwise specified in a rule, lists and examples are illustrative and not exhaustive.~~ (4-6-23)

~~**003.**~~ -- **010. (RESERVED)**

011. DEFINITIONS.

~~Unless defined otherwise in these rules, t~~The definitions set forth in Section 67-9203, Idaho Code, apply to this chapter. ~~In addition, the following apply:~~ (4-6-23)()

01. Alternate. Property or services that are not at least a functional equal in features, performance or use of the brand, model or specification designated as the standard. (4-6-23)

02. Brand Name or Equal Specification. A specification that uses a brand name to describe the standard of quality, performance or other characteristics being solicited and that invites the submission of equivalent property. (4-6-23)

03. Brand Name Specification. A specification calling for property by manufacturers’ names or catalogue numbers. (4-6-23)

04. Buyer. An employee of the division of purchasing designated as a buyer, contract-administrator, purchasing agent, contracting officer, or similar designation by the administrator, including, where appropriate, the administrator and other management personnel. The term also includes authorized employee(s) of a purchasing authority. (4-6-23)

~~05. **Competitive Negotiation.** Procedure by which the buyer negotiates with one (1) or more responsive offerors in accordance with the provisions of an invitation to negotiate. (4-6-23)~~

065. Consultant Services. Work, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis or advice in formulating or implementing programs or services or improvements in programs or services, including such areas as management, personnel, finance, accounting and planning. The consultant's services, opinions or recommendations will be performed according to the consultant's methods without being subject to the control of the agency except as to the result of the work. (4-6-23)

076. Contract Administration. Actions taken related to changes to contracts, including amendments, renewals, and extensions; receipt, review and retaining of the contract and contract-related documents; and exercise of remedies. (4-6-23)

087. Contract Management. Actions taken to ensure that both the agency and contractor comply with the requirements of the contract. Includes regular monitoring of the contractor's performance, evaluation of deliverables, invoice review, payment approval, progress tracking, regular status meetings, and management of state-owned property and other resources used in contract performance management. (4-6-23)

098. Division. The division of purchasing of the department of administration as established by Section 67-9204, Idaho Code. (4-6-23)

~~109.~~ **Document.** When used in these rules, may include electronic documents. (4-6-23)

~~110.~~ **E-procurement.** Use of the division's electronic procurement system. (4-6-23)

121. Equal. Property that meets or exceeds the quality, performance and use of the brand, model or specifications in the informal or formal solicitation. (4-6-23)

~~132.~~ **Formal Sealed Procedure.** Procedure by which the buyer solicits sealed bids or competitive sealed proposals by means of a formal solicitation. (4-6-23)

~~143.~~ **Formal Solicitation.** An invitation to bid, or request for proposal, ~~or invitation to negotiate.~~ (4-6-23)()

154. Informal Solicitation. Procedure by which the buyer solicits informal competitive quotes by means of a request for quote. (4-6-23)

165. Invitation to Bid or ITB. All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids. (4-6-23)

~~17.~~ ~~**Invitation to Negotiate or ITN.** All documents, whether attached or incorporated by reference, utilized for soliciting proposals for a competitive negotiation.~~ (4-6-23)

~~186.~~ **Offeror.** A vendor who has submitted a response to a request for proposals ~~or invitation to negotiate~~ for property to be acquired by the state. (4-6-23)()

197. Professional Services. Work rendered by a contractor whose occupation is the rendering of such services and who has a professional knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, including but not limited to accounting and auditing, legal, medical, nursing, education, actuarial, veterinarian, information technology and research. The knowledge is founded upon extensive and specialized intellectual training that enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skills. (4-6-23)

2018. Proposal. A written response including pricing information to a request for proposals that describes the solution or means of providing the property requested and which proposal is considered an offer to

perform a contract in full response to the request for proposals. (4-6-23)

~~219.~~ **Purchase.** The act of acquiring or procuring property for state use or the result of an acquisition. (4-6-23)

~~220.~~ **Purchase Order.** Notification to the contractor to provide the stated property under the terms and conditions set forth in the purchase order. It may include the form of the state's acceptance of a vendor's quote, proposal or bid. See also definition of contract. (4-6-23)

~~231.~~ **Purchasing Authority.** The division or an agency exercising authority based on a delegation of authority by the administrator to an individual or an agency; or as otherwise provided under these rules to engage in the conduct of purchasing. (4-6-23)

~~242.~~ **Quote.** An offer to supply property in response to a request for quote and generally used for informal solicitation procedures. (4-6-23)

~~253.~~ **Request for Proposals or RFP.** Includes all documents, whether attached or incorporated by reference, utilized for soliciting ~~competitive~~ proposals as a component of the formal sealed procedure and is generally utilized in the acquisition of services or other complex purchases. (4-6-23) ()

~~264.~~ **Request for Quote.** The document, form or method generally used for purchases solicited in accordance with informal solicitation procedures. (4-6-23)

~~275.~~ **Requisition.** A standard state or agency specific form that serves as a purchasing request and that requests that the purchasing authority acquire the property. (4-6-23)

~~286.~~ **Sealed.** A bid or proposal physically or electronically sealed and submitted in accordance with requirements of a formal solicitation. (4-6-23)

~~297.~~ **Sealed Procedure Limit.** That dollar amount, as established by these rules, above which the formal sealed procedure will be used. The amount may be lowered by the administrator to maintain full disclosure or competitive purchasing or otherwise achieve overall state efficiency and economy. (4-6-23)

~~3028.~~ **Small Purchase.** An acquisition that costs less than the sealed procedure limit. (4-6-23)

~~3429.~~ **Signature.** A manual signature or an electronic signature, as defined in Section 28-50-102, Idaho Code, of an individual authorized to bind a person or entity. (4-6-23)

~~32.~~ **State.** The state of Idaho including each agency unless the context implies other states of the United States. (4-6-23)

~~330.~~ **Telecommunications.** All present and future forms of hardware, software or services used or required for transmitting voice, data, video or images. (4-6-23)

~~31.~~ **Tie Responses.** Tie responses are low responsive bids, proposals or quotes from responsible vendors that are identical in price or score. ()

~~342.~~ **Total Cost.** The acquisition cost of property, including all components, options, and add-ons available under the contract, related services, and, in the case of ongoing services, the cost of the full term of the contract, including all authorized renewals. Unless a different total term is provided in the contract, the term used for purposes of total cost is five (5) years. (4-6-23)

~~35.~~ **Written.** When used in these rules, may include an electronic writing and communication. (4-6-23)

~~SUBCHAPTER B – RULES GOVERNING PURCHASING~~

012. PRESERVATION OF RECORDS.

Records of a purchasing authority, which are created or held pursuant to these rules, may be kept in such format as prescribed by the purchasing authority responsible for record retention; and otherwise in accordance with record preservation and retention policies established by the agency designated by the legislature for such purpose. (4-6-23)

013. -- 020. (RESERVED)

021. DELEGATION OF AUTHORITY OF ADMINISTRATOR.

~~The division's purchases on behalf of another agency are as the agent for such agency. The division administers the acquisition of all property for agencies except those specifically exempted from the state procurement act, title 67, chapter 92, Idaho Code. The administrator may delegate in writing such authority to division employees, an agency or employees of an agency. Such delegations~~Delegations made pursuant to Section 67-9206, Idaho Code, remain in effect unless modified or until revoked in writing. All delegations must be given in writing prior to the acquisition of the property. Designees shall make purchases according to these purchasing rules, the policies developed by the division, and the conditions established by the administrator in the delegation. Delegations are subject to periodic reporting and review as directed by the administrator. (4-6-23)()

01. Manner of Submission. Request for delegated purchasing authority must be submitted in writing, on a form ~~and in a manner~~ established by the administrator. The request must generally demonstrate that agency personnel have the knowledge and experience to administer solicitations and contracts in compliance with the State Procurement Act, these rules, and policies of the division of purchasing, and must specifically address any qualification criteria established by the administrator. (4-6-23)()

02. Policy. The administrator's delegated purchasing authority policy is applicable to all designees; and may place additional conditions on the agency or individual delegated authority. (4-6-23)

03. Failure to Comply. A designee's failure to comply with the policy, the conditions included in the written authorization provided by the administrator, or the instructions of the administrator regarding activities delegated pursuant to this rule may result in immediate rescission of delegated authority, increased monitoring, reduced authority level, additional training, or other action deemed appropriate by the administrator. (4-6-23)

022. -- 033. (RESERVED)

034. PUBLIC NOTICE.

Notice of informal and formal solicitations are posted electronically unless the administrator exempts the acquisition from e-procurement. Notice of sole source acquisitions are posted electronically, ~~and otherwise in accordance with Section 67-9221, Idaho Code.~~ (4-6-23)()

035. -- 040. (RESERVED)

041. ACQUISITION PROCEDURES.

~~Except as otherwise provided in statute or these rules, the acquisition of property shall be by competitive solicitation.~~ Acquisition requirements shall not be artificially divided to avoid bid statutes, rules, or policies. The procedure followed for acquisitions shall be as follows: (4-6-23)()

- 01. Small Purchases.** (4-6-23)
 - a.** Acquisitions of the following property are small purchases: (4-6-23)
 - i.** Services with a total cost less than twenty-five thousand dollars (\$25,000) (4-6-23)
 - ii.** Software, regardless of the delivery method (e.g. on-premise, cloud, software as a service, etc.), with a total cost less than fifteen thousand dollars (\$15,000); (4-6-23)
 - iii.** Property, excluding services, with a total cost less than fifteen thousand dollars (\$15,000); (4-6-23)
 - iv.** A mix of property including services and other property, with a total cost less than fifteen thousand dollars (\$15,000). (4-6-23)

b. Small purchases do not require acquisition through competitive solicitation. Agencies must comply with the division's small purchase policy. Property available under single agency or open contracts shall be purchased under such contracts and are not a small purchase under this rule unless otherwise authorized by the administrator. (4-6-23)

02. Informal Purchases. (4-6-23)

a. Acquisition of property with a total cost exceeding the dollar limits established in this rule for a small purchase and less than the formal sealed procedure limit are informal purchases. (4-6-23)

b. Informal purchases may be made using: (4-6-23)

i. An informal solicitation issued through e-procurement, unless exempted by the administrator; or (4-6-23)

ii. The formal sealed procedure, when the purchasing authority makes a written determination that using a formal solicitation is in the best interest of the state, including where selection based solely on cost is not appropriate. (4-6-23)

c. Agencies procuring property under this rule shall maintain a purchasing file containing: (4-6-23)

i. The ~~informal or formal~~ solicitation document posted and quotes received. If the acquisition was not publicly posted, the agency shall include a statement describing the justification for determining that posting was impractical or impossible, along with the administrator's authorization. (4-6-23)()

ii. If not using e-procurement, the agency shall document the quotes received (or its attempt to obtain quotes) from at least three (3) vendors having a significant Idaho economic presence as defined in Section 67-2349, Idaho Code. (4-6-23)

03. Formal Sealed Procedure. (4-6-23)

a. The sealed procedure limit is one hundred fifty thousand dollars (\$150,000). (4-6-23)

b. Purchases of property in excess of the sealed procedure limit are made using the formal sealed procedure, unless exempted by these rules or the administrator. (4-6-23)

042. EXCEPTIONS TO COMPETITION REQUIRING WRITTEN ADMINISTRATOR APPROVAL.

The administrator may exempt the following purchases from the requirement for competitive solicitation by issuing a written determination to the purchasing authority. (4-6-23)()

01. Emergency Purchases. An emergency purchase is a purchase required to address an emergency condition, which is a situation that creates a threat to public health, welfare, or safety, such as may arise from floods, epidemics, riots, equipment failure, or similar circumstances. The existence of such condition must create an immediate and serious need for property that cannot be met through normal acquisition methods. The buyer must send a written explanation stating the emergency condition and the basis for the supplier selection, if applicable, to the administrator for review and written approval that the purchase be undertaken as an emergency purchase. Emergency purchases are limited to only that property required to address the emergency. The director or administrator may delegate authority in writing to an agency or purchasing authority to make emergency purchases and may impose conditions in the delegation. (4-6-23)

02. Sole Source Purchases. ~~Sole source purchases are authorized only if the required property is reasonably available from a single supplier. A requirement for a proprietary property does not justify a sole source purchase if there is more than one (1) potential supplier that can provide the required property. In cases of reasonable doubt, competition should be solicited.~~ The buyer must send a written request to authorization from the administrator justifying to complete a sole source purchase, providing a written justification of the purchase and the basis to conclude that no other supplier is reasonably available. ~~Sole source purchases require written approval of the~~

~~administrator.~~ The administrator may condition any approval. (4-6-23)()

03. Rehabilitation Agency Acquisitions. Acquisitions of property that is provided by non-profit corporations and public agencies operating rehabilitation facilities serving the handicapped and disadvantaged and that is offered for sale at fair market price as determined by the administrator in accordance with these rules. The buyer must submit a written request to the administrator to purchase from a rehabilitation agency and a written approval from the administrator. The purchase must comply with the division's policy for rehabilitation agency acquisitions. (4-6-23)

04. Purchases from General Services Administration Federal Supply Contractors. Acquisitions of property may be made from General Services Administration federal supply contractors without the use of competitive bid upon written approval of the administrator. The administrator shall determine whether the price and terms and conditions of acquisition is advantageous to the state. The administrator shall commemorate the determination in a written statement that shall be incorporated in the applicable file. (4-6-23)

05. Exempt Purchases. The administrator may, by written policy, exempt property from the formal sealed procedure or the requirement for competitive solicitation ~~that property for which bidding is impractical, disadvantageous or unreasonable~~ under the following circumstances: (4-6-23)()

- a. ~~Examples include:~~ The property is required to meet a legal requirement or important business need; (4-6-23)()
 - i. ~~Special market conditions;~~ (4-6-23)
 - ii. ~~Property requiring special contracting procedures due to uniqueness;~~ (4-6-23)
 - iii. ~~Legal advertising, publication or placement of advertisements by state agency personnel directly with media sources;~~ (4-6-23)
 - iv. ~~Property for which competitive solicitation procedures are impractical;~~ (4-6-23)
 - v. ~~Used property;~~ (4-6-23)
 - vi. ~~Ongoing maintenance, upgrades, support or additional licenses for software or other information technology solutions, including a change in the manner of solution delivery; which software or solution was originally acquired in compliance with the purchasing laws in effect at the time of acquisition; or~~ (4-6-23)
 - vii. ~~Acquisition of property for direct resale.~~ (4-6-23)

b. ~~Such policy shall describe the property exempted, the duration of the exemption, and any other requirements or circumstances appropriate to the situation.~~ Competition would be impractical or unreasonable under the circumstances, for reasons such as special market conditions or unique property requirements; (4-6-23)()

c. The justification for the exemption is not based on inconvenience or the agency's failure to plan for the procurement process; and ()

d. The exemption is as limited as possible to still meet the business needs. ()

06. Open Contracts. Except as provided in these rules or exempted by the administrator, property available under existing open contracts shall be purchased under such contracts in accordance with the provisions or requirements for use thereof. ()

07. Price Agreements. The administrator may authorize entering into non-mutual price agreements when the state has a need to contract with all qualified and available vendors for the purchase of certain property. Price agreements shall be limited to two (2) years in duration. ()

043. EXCEPTIONS ~~TO COMPETITION~~ NOT REQUIRING APPROVAL.

Unless the administrator makes a written determination to the contrary, property meeting the following criteria need not be purchased by competitive solicitation. (4-6-23)()

01. Reverse Auction. Purchases through reverse public auctions ~~as authorized by Section 67-9221, Idaho Code.~~ (4-6-23)()

02. Federal Government Acquisitions. Acquisitions from the United State of America or any agency thereof. (4-6-23)

03. Public Agency Acquisitions. Acquisitions from other public agencies as defined in Section 67-2327, Idaho Code, ~~and authorized by Section 67-2332, Idaho Code.~~ (4-6-23)()

04. Idaho Correctional Industries. Purchases of property marketed directly by Idaho Correctional Industries in accordance with Section 20-245, Idaho Code. (4-6-23)

~~**05. Open Contracts.** Except as provided in these rules or exempted by the administrator, property available under existing open contracts shall be purchased under such contracts in accordance with the provisions or requirements for use thereof. (4-6-23)~~

~~**06. Professional or Consultant Services.** The acquisition of professional or consultant services for one-time projects costing less than the sealed procedure limit and lasting less than one (1) year in duration. (4-6-23)~~

~~**07. Small Purchases.** The acquisition of property meeting the criteria in sub-section 041.01 of these rules; provided, however, that acquisitions cannot be artificially divided to meet the small purchase criteria. (4-6-23)~~

044. -- 050. (RESERVED)

~~**051. CONTENT OF FORMAL SOLICITATIONS.** The following shall be included in formal solicitations: (4-6-23)~~

~~**01. Submission Information.** Information regarding the applicable closing date, time and location. (4-6-23)~~

~~**02. Specifications.** Specifications developed in accordance with Section 111 of these rules. For an ITN, specifications may be limited to those determined by the purchasing authority to be adequate to inform interested vendors of the desired outcome. (4-6-23)~~

~~**03. Contract Terms.** Terms and conditions applicable to the contract, subject to the provisions of Section 112 of these rules. (4-6-23)~~

~~**04. Evaluation and Award Criteria.** Any evaluation criteria to be used to determine property acceptability and identification of the lowest responsive and responsible offer. For an ITN, also a summary of evaluation criteria to classify proposals and determine the competitive threshold for negotiations. (4-6-23)~~

~~**05. Trade In Property.** If trade in property is to be included, a description of the property and location where it may be inspected. (4-6-23)~~

~~**06. Incorporation by Reference.** A brief description of any documents incorporated by reference that specifies where such documents can be obtained. (4-6-23)~~

~~**07. Pre-Proposal or Pre-Bid Conference.** The date, time and location of the conference. (4-6-23)~~

~~**08. Process.** A description of the process for the formal solicitation. (4-6-23)~~

052. CHANGES TO FORMAL SOLICITATIONS.
A formal solicitation may be changed by the buyer through issuance of an amendment, provided the change is issued in writing prior to the ~~formal~~ solicitation closing date and is made available to all vendors receiving the original

~~formal~~ solicitation. Any material information given or provided to a prospective vendor with regard to a ~~formal~~ solicitation shall be made available in writing by the buyer to all vendors receiving the original formal solicitation. Oral interpretations of specifications or contract terms and conditions shall not be binding on the state unless confirmed in writing by the buyer prior to the closing date of the ~~closing solicitation~~. Changes to the ~~formal~~ solicitation shall be identified as such and shall require that the vendor acknowledge receipt of all amendments issued. The right is reserved to waive any informality. (4-6-23)()

053. -- 060. (RESERVED)

061. FORM OF SUBMISSION FOR ~~FORMAL~~ SOLICITATIONS.

~~01. Manual Submissions.~~ Unless otherwise provided in these rules and in addition to any specific requirements set forth in the ~~formal~~ solicitation: ()

01. Manual Submission: ~~b~~ Bids or proposals submitted manually must be made, completed and signed on the form provided, ~~which form must be properly completed and contain a signature~~ to receive consideration. All changes or erasures on manual submissions shall be initialed in ink. Unsigned or improperly submitted bids or proposals will be rejected. The purchasing authority assumes no responsibility for failure of the United States Postal Service, any private or public delivery service, or any computer or other equipment to deliver all or a portion of the bid or proposal at the time or to the location required by the formal solicitation. (4-6-23)()

~~02. Electronic Submissions.~~ ~~Unless otherwise provided in these rules and in addition to any specific requirements set forth in the formal solicitation,~~ ~~b~~ Bids or proposals submitted electronically must be submitted in accordance with and meet all applicable requirements of these rules and contain a signature. Submission of a bid or proposal through e-procurement shall constitute a signature. The purchasing authority assumes no responsibility for failure of any electronic submission process, including any computer or other equipment to deliver all or a portion of the bid or proposal at the time or to the location required by the formal solicitation. (4-6-23)()

062. -- 069. (RESERVED)

070. PRE-PROPOSAL CONFERENCE.

A pre-proposal conference for vendors must be conducted by the purchasing authority for all RFPs ~~and ITNs~~. The purchasing authority may provide an opportunity for a verbal question and answer period, however, only written questions and answers posted through e-procurement as an amendment to the formal solicitation, have force or effect in the procurement. (4-6-23)()

071. ~~PRE-OPENING WITHDRAWAL OR AND~~ MODIFICATION.

~~Bids or proposals submitted manually may be withdrawn or modified prior to closing of the formal solicitation only as follows:~~ (4-6-23)

01. Prior to Closing. Quotes, bids and proposals may be withdrawn or modified prior to the closing date of the solicitation, as follows: ()

a. Withdrawal. ~~Quotes, bids and proposals submitted via eProcurement may be withdrawn via eProcurement or by submitting a written withdrawal, sent on letterhead and signed by an individual with authority to bind the vendor, to the purchasing authority. Quotes, bids and proposals submitted in a manner other than eProcurement may be withdrawn by submitting a written withdrawal, sent on letterhead and signed by an individual with authority to bind the vendor, to the purchasing authority to the same location where the quote, bid or proposal was submitted.~~ ()

b. Modification. ~~Quotes, bids and proposals submitted via eProcurement may be modified by resubmitting via eProcurement or by submitting a written request detailing the modification if the solicitation allows for submission outside of eProcurement. Quotes, bids and proposals submitted in a manner other than eProcurement may be withdrawn by submitting a written withdrawal to the same location where the quote, bid or proposal was submitted. Any request for modification submitted in a manner other than eProcurement must be submitted to the purchasing authority on letterhead and must be signed by an individual with authority to bind the vendor.~~ ()

- ~~01.~~ By written communication containing a signature. (4-6-23)
- ~~02.~~ In person upon presentation of satisfactory evidence establishing the individual's authority to act on behalf of the submitting vendor. (4-6-23)
- ~~03.~~ Any withdrawing or modifying communication, must clearly identify the formal solicitation and should be worded so as not to reveal the amount of the original bid or proposal. (4-6-23)

02. After Closing. ()

a. Withdrawal. Vendors submitting a quote, bid or proposal are not entitled to withdraw their submission after the solicitation closing date and time. Vendors must submit a written withdrawal request to the purchasing administrator explaining why the vendor should be permitted to withdraw their quote, bid or proposal. Withdrawal of a quote, bid or proposal after the closing date of the solicitation may be grounds for the vendor being deemed non-responsible in future solicitations depending on the circumstances, including the resources expended on evaluating the submission prior to withdrawal and a history of multiple withdrawals. ()

b. Modification. Any modification received or requested after the time and date set for closing of the solicitation is late. No late modification will be considered. ()

072. LATE QUOTES, BIDS, AND PROPOSALS, ~~LATE WITHDRAWALS AND LATE MODIFICATIONS.~~

Any quote, bid or proposal, withdrawal, or modification received after the time and date set for closing at the place designated in the formal solicitation is late. No late bid or proposal, late modification or late withdrawal, will not be considered. All late bids and proposals, and will be returned to the submitting vendor. Time of receipt will be determined by the official time stamp or receipt mechanism located at the designated place for receipt of responses. (4-6-23)()

073. RECEIPT, OPENING, AND RECORDING OF BIDS AND PROPOSALS.

Upon receipt, all bids, proposals, and modifications properly marked and identified are time stamped, but not opened. They shall be stored in a secure place until the time specified for opening. Time stamping and storage may be through electronic means. Bids and proposals shall be opened publicly at the date and time specified in the formal solicitation. Opening of proposals shall identify only the names of the offerors unless otherwise stated in the formal solicitation. Bid and proposal openings may be electronic virtual openings. When no manual bids or proposals are received, retaining the e-procurement audit record shall be opening in public view under section 67-9209, Idaho Code. (4-6-23)()

074. MISTAKES.

The following procedures are established relative to claims of a mistake. (4-6-23)

01. Mistakes in Submission. If a mistake is attributable to an error in judgment, the submission may not be corrected. Correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible, but at the discretion of the administrator and to the extent it is not contrary to the interest of the state or the fair treatment of other submitting vendors. (4-6-23)

021. Mistakes Discovered Before Opening Closing. Mistakes discovered by a vendor prior to solicitation closing may be corrected by such vendor by submitting a timely modification or withdrawing the original submission and submitting a corrected submission to the purchasing authority before the closing. Vendors who discover a mistake after closing, but prior to opening, may withdraw the submission by a written notification containing a signature to the purchasing authority if such notification is received by the purchasing authority prior to opening through withdrawal or modification as detailed in these rules. (4-6-23)()

032. Mistakes Discovered After Opening Closing But Before Award. This subsection sets forth procedures to be applied in three (3) situations described below in which mistakes are discovered after opening but before award. (4-6-23)()

a. Minor Informalities. Minor informalities are matters of form rather than substance evident from the

bid or proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other submitting vendors, that is, the effect of the mistake on price, quantity, quality, delivery or contractual conditions is not significant. The buyer may waive ~~such minor~~ informalities discovered after the closing date and time of the solicitation and before award of a contract. Examples include the failure of a submitting vendor to: (4-6-23)()

- i. Return the required number of signed submissions. (4-6-23)
- ii. Provide a signature, but only if it is clear from the submission that the submitting vendor intended to be bound by its terms. (4-6-23)
- iii. Acknowledge the receipt of an amendment, but only if: (4-6-23)
 - (1) It is clear from the submission that the submitting vendor received the amendment and intended to be bound by its terms; or (4-6-23)
 - (2) The amendment involved had a negligible effect on price, quantity, quality or delivery. (4-6-23)

b. Mistakes Where Intended Submission is Evident. If the mistake and the intended submission are clearly evident on the face of the document, the submission shall be corrected to the intended submission ~~and may not be withdrawn~~. Examples of mistakes that may be clearly evident ~~on the face of the document~~ are typographical errors, errors in extending unit prices (unit prices will always govern in event of conflict with extension), transposition errors and arithmetical errors. (4-6-23)()

c. Mistakes Where Intended Submission is not Evident. ~~A vendor may be permitted to withdraw a low bid if:~~ (4-6-23)

~~i.~~ A mistake ~~is clearly evident on the face of the submission document but~~ where the intended submission is not ~~similarly clearly~~ evident; or on the face of the document may not be corrected after the closing date of the solicitation. (4-6-23)()

~~ii.~~ ~~The vendor submits timely proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.~~ (4-6-23)

d. Mistakes in Submission. If a mistake is attributable to an error in judgment, the submission may not be corrected. ()

043. **Mistakes Discovered After Award.** Mistakes shall not be corrected after award of the contract. (4-6-23)

054. **Written Approval or Denial Required.** In the event of a mistake discovered after the opening date, the administrator shall approve or deny, in writing, a request to correct or withdraw a submission. (4-6-23)

075. -- 080. (RESERVED)

081. EVALUATION AND AWARD.

01. **General.** ~~The contract is to be awarded to the lowest responsible and responsive bidder or offeror (or for requests for quotes, vendor submitting a quote).~~ The formal or informal solicitation shall set forth the requirements and criteria that will be used to ~~make~~ determine the lowest ~~responsive and~~ responsible ~~determination~~ bidder. (4-6-23)()

02. **Qualification.** ~~All vendors submitting responses to informal or formal solicitations issued by the state must be qualified. All vendors are qualified unless disqualified as defined by Section 67-9217, Idaho Code.~~ (4-6-23)

032. **Responsibility.** (4-6-23)

a. ~~Nothing herein shall prevent the buyer from establishing additional responsibility standards for a particular purchase.~~ Factors to be considered in determining ~~whether a~~ vendor ~~is responsible~~ responsibility include, ~~whether the vendor has:~~ (4-6-23)()

i. ~~Available the~~ Whether the vendor has appropriate financial, material, equipment, facility and personnel resources ~~and expertise~~, or the ability to obtain them, necessary to indicate capability to meet all contractual requirements; (4-6-23)()

ii. ~~A satisfactory record of integrity;~~ (4-6-23)

iii. ~~Qualified legally~~ Whether the vendor is legally qualified to contract with the purchasing authority and qualified to do business in the state of Idaho; (4-6-23)()

iv. ~~Unreasonably failed to supply any necessary information in connection with the inquiry concerning responsibility;~~ (4-6-23)

viii. ~~Requisite~~ Whether the vendor has the requisite experience; ~~or, licensing, and certification to meet the contractual obligations;~~ (4-6-23)()

vii. ~~A~~ Whether the vendor has a satisfactory prior performance record, if applicable; ~~or;~~ (4-6-23)()

v. Other criteria identified in the solicitation. ()

b. **Information Pertaining to Responsibility.** A submitting vendor shall supply information requested by the buyer concerning its responsibility. If such submitting vendor fails to supply the requested information, the buyer shall base the determination of responsibility upon any available information or may find the submitting vendor nonresponsible if such failure is unreasonable. (4-6-23)

c. **Written Determination of Nonresponsibility Required.** If a submitting vendor that otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the buyer. (4-6-23)

043. Extension of Time for Acceptance. After opening, the buyer may request submitting vendors to extend the time during which their bids or proposals may be accepted. The reasons for requesting such extension shall be documented. (4-6-23)

054. Partial Award. A buyer shall have the discretion to award on an all or nothing basis or to accept any portion of a response to a ~~formal or informal~~ solicitation, excluding other portions of a response and other offers, unless the vendor stipulates all or nothing in its submission. (4-6-23)()

05. Tie Responses. If tie responses cannot be resolved in accordance with section 67-9210(2), Idaho Code, award shall be made in any permissible manner that will resolve the tie, including awarding to the vendor with the earliest delivery date. If no permissible method will effectively resolve tie responses, award may be made by drawing lots or tossing a coin in the presence of at least one (1) witness. ()

082. ~~TIE RESPONSES.~~(RESERVED)

01. ~~Tie Responses — Definition.~~ ~~Tie responses are low responsive bids, proposals or quotes from responsible bidders or offerors (or for requests for quotes, from vendors submitting a quote) that are identical in price or score. Responsibility is determined based upon the standards of responsibility set forth in Section 081 of these rules.~~ (4-6-23)

02. ~~Award.~~ ~~Award shall not be made by drawing lots, except as set forth below, or by dividing business among tie responses. In the discretion of the buyer, award shall be made in any permissible manner that will resolve tie responses. Procedures that may be used to resolve tie responses include:~~ (4-6-23)

a. ~~If price is considered excessive or for another reason such responses are unsatisfactory, reject all~~

~~responses, resolicit and seek a more favorable contract in the open market or enter into negotiations pursuant to Section 084 of these rules;~~ (4-6-23)

~~b. Award to an Idaho resident or an Idaho domiciled vendor or for Idaho produced property where other tie response(s) are from out of state or to a vendor submitting a domestic property where other tie responses are for foreign (external to Idaho) manufactured or supplied property;~~ (4-6-23)

~~e. Award to the vendor with the earliest delivery date.~~ (4-6-23)

~~03. Drawing Lots. If no permissible method will be effective in resolving tie responses and a written determination is made so stating, award may be made by drawing lots or tossing a coin in the presence of witnesses if there are only two (2) tie responses.~~ (4-6-23)

083. PROPOSAL DISCUSSION WITH INDIVIDUAL OFFERORS.

01. Use of Discussions. Discussions may be used in any type of formal solicitation when ~~the solicitation provides for the possibility of discussions and~~ the buyer determines that clarifications or revisions are required to achieve adequate competition. (4-6-23)()

~~02. Classifying Proposals. For the purpose of conducting proposal discussions under this rule, proposals shall be initially classified as:~~ (4-6-23)

~~a. Acceptable;~~ (4-6-23)

~~b. Potentially acceptable if clarified or amended under this rule; or~~ (4-6-23)

~~e. Unacceptable.~~ (4-6-23)

~~03.2. Conduct of Discussions.~~ (4-6-23)

~~a. The buyer may conduct discussions under this rule with offerors whose proposals are classified as acceptable or potentially acceptable.~~ (4-6-23)

~~ba.~~ The buyer may clarify any portion of a bid or proposal with ~~an offeror~~ a bidder where the clarification does not materially alter the proposal. (4-6-23)()

~~eb.~~ The buyer may conduct discussions with offerors to determine potential revisions to proposals or the formal solicitation. Offerors shall be accorded faith and equal treatment with respect to any opportunity for discussions and revisions of proposals. Auction techniques (revealing one offeror's price to another) and disclosure of any information derived from competing proposals are prohibited. Any oral clarification or change of a proposal shall be reduced to writing and signed by the offeror. (4-6-23)

~~dc.~~ If the buyer determines material changes to a formal solicitation or a proposal are necessary, the buyer shall establish a common time and date for submission of best and final offers. The buyer may conduct multiple rounds of best and final offers. If an offeror does not submit a notice of withdrawal or a best and final offer, the offeror's immediate previous offer is the offeror's best and final offer. (4-6-23)

084. NEGOTIATIONS.

In accordance with Section 67-9205(12), Idaho Code, the administrator may negotiate acquisitions as follows: (4-6-23)

01. Use of Negotiations. Negotiations may be used under these rules when the administrator determines in writing that negotiations may be in the best interest of the state including the following circumstances: (4-6-23)

~~a. Negotiations undertaken pursuant to an ITN, in accordance with the provisions of Section 094 of these rules.~~ (4-6-23)

ba. A competitive solicitation has been unsuccessful for reasons including that all offers are unreasonable, noncompetitive, or exceed available funds and the available time and circumstances do not permit the delay required for resolicitation; (4-6-23)

eb. There has been inadequate competition; (4-6-23)

dc. During the evaluation process it is determined that negotiations could ~~secure advantageous terms or a reduced cost for the state~~ help the state achieve better outcomes; or (4-6-23)()

ed. During the evaluation process it is determined that all responsive offers exceed available funds and negotiations could modify the requirements of the formal solicitation to reduce the cost to available funds and avoid the extended time and expenditure of resources for a resolicitation. (4-6-23)

02. Conditions of Use. Negotiations, as permitted by Subsection 084.01.d., are subject to the following: (4-6-23)

a. The ~~formal~~ solicitation must specifically allow for the possibility of negotiation ~~and describe, with as much specificity as possible, how negotiations may be conducted~~; (4-6-23)()

b. Submissions shall be evaluated and ranked based on the evaluation criteria in the ~~formal~~ solicitation; (4-6-23)()

e. ~~Only those vendors whose proposals or bids are determined to be acceptable, in accordance with criteria for negotiations set forth in the formal solicitation, shall be candidates for negotiations~~; (4-6-23)

dc. Negotiations shall be conducted first with the vendor that is the apparent low responsive and responsible bidder, unless concurrent negotiations are permissible, in accordance with the terms of the solicitation; (4-6-23)

ed. If one (1) or more responsive offers does not exceed available funds, negotiations shall be against the requirements of and criteria contained in the formal solicitation and shall not materially alter those criteria or the specifications; (4-6-23)

fe. Auction techniques (revealing one vendor's price to another) and disclosure of information derived from competing proposals is prohibited; (4-6-23)

gf. Any clarifications or changes resulting from negotiations shall be documented in writing; (4-6-23)

hg. If the parties to negotiations are unable to agree, the administrator shall formally terminate negotiations and may undertake negotiations with the next ranked vendor; and (4-6-23)

ih. If negotiations as provided for in this rule fail to result in a contract, as determined by the administrator, the formal solicitation may be canceled and the administrator may negotiate in the best interest of the state with any qualified vendor. (4-6-23)

03. Timing of Use. If conducted as part of a small purchase or under the formal sealed procedure, negotiations are the last step in the procurement process. Use of oral interviews or best and final procedures, as provided for in a formal solicitation, must precede negotiations as provided for in this rule, unless the administrator makes a written determination that it is in the state's best interest to proceed directly to negotiations ~~in lieu of first conducting oral interviews and the best and final procedures~~. (4-6-23)()

04. Termination of Negotiations. The purchasing authority may terminate negotiations at any time, in the best interest of the state. (4-6-23)

~~085. PRICE AGREEMENTS.~~

~~The administrator may authorize and negotiate price agreements with vendors when such agreements are deemed in~~

~~the best interest of the state. Price agreements shall provide for termination for any reason upon not more than thirty (30) days' written notice. Price agreements may be in the best interest of the state when: (4-6-23)~~

~~**01. Dollar Value.** The dollar value of individual procurements of property is less than the maximum dollar value of an exempt small purchase under Section 044 of these rules and multiple individual procurements are anticipated within a state of Idaho fiscal year; (4-6-23)~~

~~**02. Property.** The property may not be conducive to standard competitive bidding procedures; (4-6-23)~~

~~**03. Multiple Agreements.** There exists a need to establish multiple agreements with vendors supplying property that is similar in nature or function but is represented by different manufacturers or needed in multiple locations; or (4-6-23)~~

~~**04. Non-exclusive Agreements.** Non-exclusive agreements for periods not exceeding two (2) years are deemed necessary to establish consistent general business terms, including without limitation, price, use of catalogs, delivery or credit terms. (4-6-23)~~

~~**086.—090. (RESERVED)**~~

~~**091. ACCEPTANCE OR REJECTION OF BIDS AND PROPOSALS.**~~

~~Prior to the issuance of a contract, the administrator shall have the right to accept or reject all or any part of a bid or proposal or any and all bids or proposals when: (4-6-23)~~

~~**01. Best Interest.** It is in the best interests of the state of Idaho; (4-6-23)~~

~~**02. Does Not Meet Specifications.** The submission does not meet the minimum specifications; (4-6-23)~~

~~**03. Not Lowest Responsible Bid.** The submission is not the lowest responsible submission; (4-6-23)~~

~~**04. Bidder Is Not Responsible.** A finding is made based upon available evidence that a submitting vendor is not responsible or otherwise capable of currently meeting specifications or assurance of ability to fulfill contract performance; or (4-6-23)~~

~~**05. Deviations.** The item offered deviates to a major degree from the specifications, as determined by the administrator (minor deviations, as determined by the administrator, may be accepted as substantially meeting the requirements of the state of Idaho). Deviations will be considered major when such deviations appear to frustrate the competitive process or provides a submitting vendor an unfair advantage. (4-6-23)~~

~~**085. -- 091. (RESERVED)**~~

~~**092. CANCELLATION OF INFORMAL OR FORMAL SOLICITATION.**~~

~~Prior to the issuance of a contract, the purchasing authority reserves the right to reject all bids, proposals or quotes or to cancel a ~~formal or informal~~ solicitation. In the event a ~~formal or informal~~ solicitation is cancelled, all submitting vendors will be notified. Examples of reasons for cancellation are identification of inadequate or ambiguous specifications, unexpected circumstances that require revised specifications, or determination that cancellation is in the best interest of the state. (4-6-23)()~~

~~**093. NOTICE OF REJECTION.**~~

~~Bidders or offerors whose bids or proposals are rejected as non-responsive will be notified in writing of the reasons for such rejection. (4-6-23)~~

~~**094. COMPETITIVE NEGOTIATIONS.**~~

~~Notwithstanding the provisions of Section 041 of these rules applicable to the formal sealed procedure, the administrator may authorize the use of competitive negotiations when it is determined that the use of negotiations may enable the state to more effectively identify and refine potential solutions, especially where the business need is~~

~~complex or requires innovation. (4-6-23)~~

~~01. **Written Authorization.** A competitive negotiation may only be used when a determination has been made that another type of formal solicitation would not be in the best interest of the state. Only the division may use competitive negotiation unless the administrator provides written authorization to a purchasing authority. (4-6-23)~~

~~02. **Form of Solicitation.** Proposals under this rule shall be solicited pursuant to an ITN. (4-6-23)~~

~~03. **Applicability of Other Rules.** An ITN shall be subject to the rules applicable to a request for proposals, except as otherwise provided. Modifications under Section 072 of these rules will be allowed after closing to the extent authorized within the ITN. Section 083 of these rules, proposal discussion with individual offerors, shall not apply to an ITN, except as specifically provided in the ITN. (4-6-23)~~

~~04. **Cost Proposals.** The buyer may request cost proposals at any time during the ITN process; and may elect to request cost proposals only from those offerors determined to be in the competitive range for award ("finalists"), in accordance with the instructions contained within the ITN. (4-6-23)~~

~~05. **Conduct of Negotiations.** Negotiations shall be conducted in accordance with the procedure outlined in the ITN, which may include multiple iterations of submissions and discussions in order to classify proposals; to allow for revisions to the solicitation proposal(s), including any requirements, terms, conditions or specifications; and to determine finalists. The negotiation process ends upon submission of the best and final offer(s) from the finalists, after which time vendors shall not be allowed to make further modifications to their proposal(s). (4-6-23)~~

0953. -- 100. (RESERVED)

101. LEASES.

01. **Lease for Personal Property.** A lease for personal property may be entered into provided the lease is subject to the same requirements of competition that govern the purchase of property. Leases for periods exceeding one (1) year specifically require the approval of the administrator. (4-6-23)

02. **Lease Purchase Option.** ~~Unless a specific exemption is granted by the administrator or unless otherwise exempt by these rules, a~~ A lease purchase option may be exercised only if the lease containing the purchase option was awarded using the competitive process. Before exercising such an option, the buyer ~~shall meet all applicable requirements of Section 67-9222, Idaho Code, including providing notice of the exercise of option as a sole source or shall~~ competitively bidding the property by soliciting bids for new or used property or obtain approval from the administrator for an exemption. (4-6-23)()

102. -- 110. (RESERVED)

111. SPECIFICATIONS -- POLICIES AND DEVELOPMENT.

01. **Purpose.** ~~Unless exempted by these rules or by the administrator, all informal and formal solicitations require specifications. Specifications set forth the characteristics of the property to be acquired. Specifications serve as the basis for obtaining property adequate and suitable for the using agency's needs in a cost effective manner, taking into account the costs of ownership and operation as well as initial acquisition costs. Specifications shall be drafted clearly to describe the agency's needs and to enable the vendors to determine and understand the agency's requirements. Specifications shall, as much as practical, be nonrestrictive to provide an equal basis for participation by an optimum number of vendors and to encourage competition. This information may be in the form of a description of the physical, functional or performance characteristics, a reference brand name or both. It may include a description of any required inspection, testing or preparation or delivery. Specifications may be incorporated by reference or contained in an attachment. Specifications may be left sufficiently open to allow for variations in the proposed property or manner of delivery, provided that they put vendors on notice as to what is required for vendor's quote, bid, or proposal to be considered.~~ Specifications may be left sufficiently open to allow for variations in the proposed property or manner of delivery, provided that they put vendors on notice as to what is required for vendor's quote, bid, or proposal to be considered. (4-6-23)()

02. Use of Functional or Performance Descriptions. Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of the agency. To facilitate the use of such criteria, using agencies shall endeavor to include as a part of purchase requisitions their principal functional or performance needs. (4-6-23)

03. Preference for Commercially Available Property. Requirements shall be satisfied by standard commercial property whenever practicable. (4-6-23)

~~04. Brand Name or Equal Specification.~~ (4-6-23)

~~a. A brand name or equal specifications may be used when the buyer determines that such a specification is in the agency's best interest. (4-6-23)~~

~~b. A brand name or equal specification shall seek to designate as many different brands as are practicable as "or equal" and shall state that property substantially equivalent to those designated will be considered for award. (4-6-23)~~

~~c. Unless the buyer authorized to finally approve specifications determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design and functional or performance characteristics required. (4-6-23)~~

~~d. Where a brand name or equal specification is used, the document shall contain explanatory language that the use of a brand name is for the purpose of designating the standard of quality, performance, and characteristics desired and is not intended to restrict competition. (4-6-23)~~

054. Brand Name Specification. (4-6-23)

a. Since use of a brand name specification is restrictive, such a Brand name specification which does not allow for acceptance of alternate equivalent property may only be used when the administrator or designee makes a written determination. Such determination may be in any form, such as a purchase evaluation or a statement of single manufacturer justification. The written statement and must state specific reasons for use of the brand name specification. (4-6-23)()

b. Use of a brand name to identify a standard or example specification, when alternative equivalent property is acceptable, will not require approval from the administrator, if there are known alternatives that can meet the specification as equivalent property. ()

~~bc. The administrator shall seek to identify sources from which the designated brand name property can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one (+) source can supply the requirement, the acquisition shall be made under Section 67-9221, Idaho Code. (4-6-23)()~~

~~06. Specification of Alternates May Be Included.~~ A specification may provide alternate descriptions of property where two (2) or more design, functional or performance criteria will satisfactorily meet the agency's requirements. (4-6-23)

112. CONTRACT TERMS - POLICIES AND LIMITATIONS.

01. Prohibited Terms. Purchasing authorities do not have the authority to bind the state of Idaho or an agency to the following terms. If a contract contains such a term, the term shall be void pursuant to Section 67-9213, Idaho Code. (4-6-23)

a. Terms waiving the sovereign immunity of the state of Idaho. (4-6-23)

b. Terms subjecting the state of Idaho or its agencies to the jurisdiction of the courts of other states. (4-6-23)

c. Terms limiting the time in which the state of Idaho or its agencies may bring a legal claim under the contract to a period shorter than that provided in Idaho law. (4-6-23)

d. Terms imposing a payment obligation, including a rate of interest for late payments, less favorable than the obligations set forth in Section 67-2302, Idaho Code. (4-6-23)

02. Terms Requiring Special Consideration. (4-6-23)

a. Unless specifically authorized by the Idaho legislature, terms requiring an agency or the state of Idaho indemnify a vendor shall be subject to the provisions of Section 59-1015, Idaho Code, and require an appropriation by the Idaho legislature. Indemnification terms not specifically authorized by the Idaho legislature or subject to appropriation shall be void pursuant to Section 67-9213, Idaho Code, and Section 59-1016, Idaho Code. (4-6-23)

b. Purchasing authorities shall consult with legal counsel prior to accepting terms submitting the contract to arbitration or waiving the state of Idaho's right to a jury trial. (4-6-23)

113. CONTRACT OVERSIGHT.

01. Contract Management and Contract Administration. (4-6-23)

a. Agencies which issue their own contracts pursuant to their delegated authority (or as otherwise exempt from the requirements of these rules) will be responsible for all aspects of contract management and contract administration, as those terms are defined in Section 011 of these rules. (4-6-23)

b. When the division issues a contract on behalf of an agency, in its role as the state's contracting agent, the division is responsible for contract administration and the agency is responsible for contract management. (4-6-23)

02. Contract Management. Each state agency which manages one (1) or more contracts, whether entered into directly by the agency or by the division acting as the statutory purchasing agency for the agency, will perform the following minimum contract management functions at a level consistent with the dollar value, complexity, and risk associated with each contract (4-6-23)

a. Designate a competent contract manager as the single point of contact for each agency contract; (4-6-23)

b. Document the contract manager's responsibilities and reporting requirements relative to the contract, including activities such as management of the invoice and payment process, budget tracking, and invoice review and reconciliation with contract requirements and deliverables, to ensure compliance; (4-6-23)

c. Document a communication and escalation plan, as between the contract manager, identified agency personnel and the contract administrator, designed to ensure timely and effective contract monitoring and issue resolution (the communication and escalation plan must include the division of purchasing for contracts for which the division of purchasing is acting as the statutory purchasing agent for the agency); (4-6-23)

d. Develop and implement internal contract monitoring tools, including a reporting structure, based on the dollar value and/or potential risk associated with contract failure; and (4-6-23)

e. Close out each contract, including, documenting receipt of goods or services in compliance with contract requirements and reviewing vendor performance and lessons learned. (4-6-23)

03. Service Contracts Exceeding \$1,500,000 in Total Value. For each contract which is valued at more than one million five hundred thousand dollars (\$1,500,000) over the duration of the contract and which consists primarily of the purchases of services, the agency responsible for contract management must develop and implement contract reporting requirements that capture, at a minimum, information on compliance with financial provisions and delivery schedules; the status of any corrective action plans; as well as any liquidated damages

assessed or collected under the contract during the current reporting period. Reports will be submitted to the designated agency purchasing representative as well as the division on no less than a biannual basis, with a schedule for each contract determined by the contract manager in consultation with the agency purchasing representative and the division. (4-6-23)

114. INFORMATION TECHNOLOGY RESALE.

~~**01. Purpose.** The use of resellers is common in the acquisition of information technology; however, the use of a reseller to acquire information technology attempts to separate the application of the State Procurement Act from the contract terms required by the information technology owner for use of the information technology. The requirements of this rule are in place to apply Idaho law to the contract terms required by the information technology owner, when information technology is acquired through a reseller. (4-6-23)~~

~~**02. Terms.** All license, sale, or use terms imposed by the information technology owner shall be subject to the following: (4-6-23)~~

~~**a.** Licensing, sale, or use terms required by a third party owner of information technology sold through a reseller shall be subject to these rules, specifically including Subsection 112.01 and Paragraph 112.02.a. of these rules. If a contract contains a term prohibited by Section 112 of these rules, the term shall be void pursuant to Section 67-9213, Idaho Code. (4-6-23)~~

115. -- 999. (RESERVED)

IDAPA 52 – IDAHO STATE LOTTERY

52.01.03 – RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-7408(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

Statute requires Lottery retailers to pay winning ticket prizes up to \$599. However, staffing challenges and increasing threats of robbery create concerns over employee safety. Retailers are often unable to pay prizes under \$600 when presented winning tickets because safety concerns necessitate keeping no more than \$100 in the cash drawer. The retail industry has offered solutions. They have requested the ability to pay lottery prizes up to \$599 with no-fee prepaid prize payment cards. Lottery Administrative Rules allow only for prize payment by cash, money order, or check. Retailers will not pay by check and money orders are obsolete. The problem cannot be solved by non-regulatory measures.

There are no changes to the pending rule, and it is being adopted as originally proposed. The complete text of the proposed rule was published in the June 5, 2024, Idaho Administrative Bulletin, [Vol. 24-6, pages 84-98](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Director Andrew Arulanandam, listed below.

DATED this 6th day of December, 2024.

Andrew Arulanandam
Director
Idaho State Lottery Commission
1199 Shoreline Lane, Suite 100
Boise, ID 83702
aarulanandam@lottery.idaho.gov
Ph: 208-334-2600

**THE FOLLOWING NOTICE PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 67-7408(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 19, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Statute requires Lottery retailers to pay winning ticket prizes up to \$599. However, staffing challenges and increasing threats of robbery create concerns over employee safety. Retailers are often unable to pay prizes under \$600 when presented winning tickets because safety concerns necessitate keeping no more than \$100 in the cash drawer. The retail industry has offered solutions. They have requested the ability to pay lottery prizes up to \$599 with no-fee prepaid prize payment cards. Lottery Administrative Rules allow only for prize payment by cash, money order, or check. Retailers will not pay by check and money orders are obsolete. The problem cannot be solved by non-regulatory measures. Legislative germane committees were in favor of the Prize Payment Card if the reference to EFT, which was included in a prior rulemaking, was removed.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Protecting retail associates and their patrons against threats of robbery and ensuring employee safety; and reducing the overall regulatory burden with greater flexibility to benefit the industry.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There is no fee associated with any portion of this rule – to either retailer or player/winner.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted due to the need for temporary rulemaking. Stakeholders were involved in negotiated rulemaking conducted under docket [52-0103-2301](#) and provided feedback for similar topics in formulating the proposed rule.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Director Jeffrey R. Anderson, at 208.780.2500.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 26, 2024.

DATED this May 21, 2024.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 52-0103-2401

52.01.03 – RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

000. LEGAL AUTHORITY.

~~These rules are adopted under the general legal authority of Title 67, Chapter 74, Idaho Code, and the specific legal authority of Sections 67-7401, 67-7404, 67-7406, 67-7408, and 67-7411, Idaho Code.~~ (3-25-22)()

001. ~~TITLE AND SCOPE.~~

~~The title of these rules is IDAPA 52.01.03, “Rules Governing Operations of the Idaho State Lottery.”~~ The rules govern operations of the Idaho State Lottery. The rules also set forth which bingo games and raffles are legal in the state of Idaho and to bring all legal bingo games and raffles in the state of Idaho under the control of the Lottery. (3-25-22)()

002. -- 009. (RESERVED)

010. DEFINITIONS.

As used throughout these rules these terms have the following definitions: (3-25-22)

~~**01. Commission.** The Idaho State Lottery Commission established and appointed according to Sections 67-7402, 67-7404(2) and 67-7405, Idaho Code. See Section 67-7702(4), Idaho Code.~~ (3-25-22)

021. Commissioner. A member of the Idaho State Lottery Commission. (3-25-22)

~~**032. Director.** The Director of the State Lottery appointed and confirmed according to Section 67-7407, Idaho Code.~~ (3-25-22)

~~**043. Lottery.** The Idaho State Lottery created by Section 67-7402, Idaho Code, and, as context requires, the Lottery Commission and the Lottery’s officers and employees.~~ (3-25-22)

~~**05. Person.** See definition in Section 67-7702, Idaho Code.~~ (3-25-22)

011. -- 099. (RESERVED)

SUBCHAPTER B – OPERATIONS OF THE IDAHO STATE LOTTERY

100. DEFINITIONS.

These rules apply to Subchapter B only: (3-25-22)

~~**01. Administrative Costs.** See definition in Section 67-7404, Idaho Code.~~ (3-25-22)

~~**021. Benefit.** Any thing, property or money, favorable consideration or advantage, profit, privileges, gain or interest to which a person is not otherwise entitled.~~ (3-25-22)

~~**032. Certificate.** The signed document issued by the Director authorizing a retailer to sell Lottery products.~~ (3-25-22)

043. Control Person. A person in a position of authority that is primarily defined according to organizational type. The following are control persons: (3-25-22)

a. In a privately-owned corporation, the officers, directors, and stockholders of the parent company who own five percent (5%) or more of the company's stock and, if applicable, any of its subsidiaries. (3-25-22)

b. In a publicly-owned corporation, the officers and directors of the parent company and each of its subsidiaries. Additionally, stockholders who own five percent (5%) or more of the corporation's stock are control persons. (3-25-22)

c. In a trust, the trustee and all persons entitled to receive income or benefit from the trust. (3-25-22)

d. In an association, the members, officers, and directors. (3-25-22)

e. In a partnership or joint venture, the general partners, limited partners, or joint venturers. (3-25-22)

f. A member of the immediate family of any of who is a control person under Paragraphs 010.06.a. through 06.e. of this definition. (3-25-22)

g. A subcontractor of a vendor if the subcontractor performs more than half of the vendor's contract with the Lottery. (3-25-22)

054. Executive Staff. The director of Lottery Security Division and the deputy directors appointed by the Director. (3-25-22)

065. Expenses. See definition in Section 67-7404, Idaho Code. (3-25-22)

076. Fiscal Year. The Lottery's fiscal year of twelve (12) months beginning on July 1 and ending on June 30. (3-25-22)

087. Gift. A transfer, exchange or delivery of anything, property or money, of any value whatsoever, with or without an expectation by the giver to receive anything, tangible or intangible, in return. (3-25-22)

098. Immediate Family. A natural person's spouse, children, brother, sister, or parent by blood, marriage, or adoption who resides as a member of the same household in the principal place of residence of any contractor, vendor, retailer, member, or employee of the State Lottery. (3-25-22)

109. Instant Game. A game in which a ticket is purchased and upon removal of a latex or similar secure covering on the front of the ticket, the ticket bearer determines his or her winnings, if any. (3-25-22)

110. Invitation to Bid. The solicitation of competitive offers in which specifications, price, and delivery (or project completion) will be the predominant award criteria. (3-25-22)

121. Lottery Contract or Contract. Any contract entered into either by the Lottery or for the Lottery by another public agency, for the purchase, lease, or sale of goods or services. (3-25-22)

132. Lottery Contractor or Contractor. See definition in Section 67-7404, Idaho Code. (3-25-22)

143. Lottery Employee or Employee. Any person who works full- or part-time for the Lottery. (3-25-22)

154. Lottery Game or Game. Any procedure authorized by the Commission whereby prizes are distributed among persons who have paid, or unconditionally agreed to pay, for tickets or shares which provide the opportunity to win such prizes. Lottery game themes must be approved by the Commission, be consonant with the dignity of the state. (3-25-22)

- 165.** **Lottery Game Retailer or Retailer.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 176.** **Lottery Revenue.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 187.** **Lottery Vendor or Vendor.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 198.** **Low, Medium and High Tier Claims.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 2019.** **Major Procurement.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 240.** **Net Income.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 221.** **On-Line System.** The Lottery’s on-line computer wagering system consisting of ticket issuing terminals, central processing equipment, and a communications network. (3-25-22)
- 232.** **Play Symbols.** The numbers or symbols appearing in the designated area under the removable covering on the front of the ticket. (3-25-22)
- 243.** **Prize.** Any award, financial or otherwise, awarded by the Director for successfully playing a Lottery game. (3-25-22)
- 254.** **Redemption Value.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 265.** **Request for Proposal.** The solicitation of competitive proposals, or offers, to be used in part as a basis for making an acquisition, or entering into a contract, when specification and price will not necessarily be the predominant award criteria. (3-25-22)
- 276.** **Retailer Validation Code.** The symbols found under the removable rub-off covering over the play symbols on the front of each ticket. (3-25-22)
- 287.** **Sensitive Procurement.** Those procurement actions or contracts, other than “major procurements,” that may either directly or indirectly affect the integrity, security, honesty, and fairness of the operation and administration of the Lottery. A typical example of this class of procurement is the acquisition of security systems that protect the security and integrity of the Lottery. (3-25-22)
- 298.** **Share.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 3029.** **State Lottery Act of 1988 or Act.** The Act approved by the legislature creating the Lottery, which became effective November 23, 1988, as amended, which is codified at Title 67, Chapter 74, Idaho Code. (3-25-22)
- 340.** **Subcontractor.** Any third party not in the employment of a contractor, who is performing all or part of the work in the contractor’s agreement with the Lottery under a separate contract with the contractor. The term “subcontractor” means subcontractor of any tier. (3-25-22)
- 321.** **Temporary Retailer.** A retailer under contract with the Lottery for a temporary or seasonal period. A temporary contract may be subject to special conditions or limitations that the Director deems prudent. These limitations or conditions may include, but are not limited to: (3-25-22)
- a. Length of ticket sale period; (3-25-22)
 - b. Hours or days of sale; (3-25-22)
 - c. Location of sale; (3-25-22)
 - d. Specific persons who may sell Lottery tickets; (3-25-22)
 - e. Specific sporting, charitable, social, or other special events where Lottery tickets may be sold.

- (3-25-22)
- 332. Provisional Retailer.** A retailer granted a provisional certificate in accordance with these rules. A provisional certificate may contain some or all of the restrictions of a temporary retailer and additional restrictions deemed necessary by the Director. (3-25-22)
- 343. Ticket.** See definition in Section 67-7404, Idaho Code. (3-25-22)
- 354. Ticket Bearer.** The person who has signed the ticket or has possession of the unsigned ticket. (3-25-22)
- 365. Ticket Validation Number or Validation Number.** The multidigit number found on the front of the ticket. It is either uncovered or found underneath the “Do Not Remove” area on the ticket or any stub. (3-25-22)
- 376. Total Annual Revenue or Annual Revenue.** The sum of all of the Lottery’s proceeds and accrued income that is characterized as a reduction or recovery of expenses. (3-25-22)
- 387. Unclaimed Prize.** Any award, financial or otherwise, of more than twenty-five dollars (\$25) for which there is physical, tangible evidence of eligibility but for which the prize has not been paid within one (1) year. (3-25-22)
- 398. Value.** See definition in Section 67-7404, Idaho Code. (3-25-22)

(BREAK IN CONTINUITY OF SECTIONS)

202. GENERAL INSTANT TICKET GAME OPERATING RULES.

- 01. Instant Games -- Authorized -- Director’s Authority.** The Commission hereby authorizes instant games that meet the criteria set forth in these rules. The Director is hereby authorized to select, operate, and contract relating to and for the operation of instant games that meet the criteria set forth in these rules. (3-25-22)
- 02. Definitions.** As used in Section 202 of these rules, these terms have the following definitions: (3-25-22)
- a. Instant Ticket Validation Bar Code.** The bar code that enables retailers to validate instant tickets. (3-25-22)
 - b. ITA System.** The Instant Ticket Automation system that validates winning instant tickets. (3-25-22)
 - c. Pack.** A package of instant game tickets with a designated number of tickets that may be (but do not have to be) fanfolded and attached to each other by perforations, which perforations the retailer tears when selling a ticket, and that are packaged in plastic shrink-wrapping, foil or some similar outer wrapping material. (3-25-22)
 - d. Pack-Ticket Number.** The number printed on the ticket. A game identification number must be included in the book-ticket number. (3-25-22)
 - e. Play Symbol Caption.** The small printed material appearing below each play symbol which repeats or explains the play symbol. One (1) and only one (1) play symbol captions appears under each play symbol. (3-25-22)
 - f. Play Symbols.** Figures printed in approved ink that appear under each of the rub-off spots on the front of the ticket. (3-25-22)
 - g. Retailer Validation Code.** The small letters found under the removable rub-off covering over the play symbols on the front of the ticket, which the ticket retailer uses to verify winners of twenty-five dollars (\$25) or

- less. The letters appear in varying locations beneath the removable rub-off covering and among the play symbols. (3-25-22)
- h.** Ticket. An Idaho instant game ticket. (3-25-22)
 - i.** Ticket Validation Number. The unique number on the front of the ticket. (3-25-22)
- 03. Sale of Tickets.** (3-25-22)
- a.** No person other than a retailer under a contract for the sale of tickets with the Lottery may sell Lottery tickets, except that nothing in this section prevents a person who may lawfully purchase tickets from making a gift of Lottery tickets to another. (3-25-22)
 - b.** Unless authorized by the Lottery, tickets may not be sold at a location other than the address listed on the retailer's contract with the Lottery. (3-25-22)
 - c.** Nothing in this section prohibits the Commission from designating certain of its agents and employees to sell Lottery tickets directly to the public. (3-25-22)
- 04. Instant Games Ticket Price.** The price of an instant game ticket will be set by the Director. No person may sell a ticket at a price other than that established in accordance with these rules. (3-25-22)
- 05. Prize Structures.** The Director will provide to all Lottery game retailers a detailed tabulation of the estimated number of prizes of each particular prize denomination that are expected to be awarded in each Lottery game and a close approximation of the odds of winning the prizes. (3-25-22)
- 06. Number and Value of Instant Ticket Prizes.** Lottery game prize structures, odds of winning, number of tickets, number and value of prizes, play symbol and captions used for validation will not be adopted by administrative rules. Rather, the Director will submit proposed games to the Commission, who must approve each game's general format before the initiation of each game. All instant games must be conducted in accordance with the rules of the Commission. (3-25-22)
- 07. Official Start of Game.** (3-25-22)
- a.** Games with a prize structure adopted by the Commission pursuant to Subsection 202.07 of this rule may be started at a time selected by the Director. The Director will publicly announce the starting date of a new game by use of a press release or any other appropriate means. The Director may also issue game information that includes a description of the game, odds of winning a prize, the number and value of prizes, and the play symbols and captions used for prize validation. (3-25-22)
 - b.** Games using a prize structure other than a prize structure previously approved by the Commission must be approved by the Commission before game tickets can be sold to the public. (3-25-22)
- 08. Determination of Winners.** (3-25-22)
- a.** Winners of an instant game are determined by the matching or specified alignment of the play symbols on the tickets. The play symbols are revealed by scratching or rubbing off the latex or similar secure material that covers spots on the ticket. The ticket bearer must notify the retailer or the Lottery of the win and submit the winning ticket to the retailer or the Lottery as provided in these rules. The winning ticket must be validated by the Lottery through use of the validation number or by any other means specified by the Director. (3-25-22)
 - b.** Unless otherwise provided by game rules, only the highest instant prize amount will be paid on a given ticket. (3-25-22)
 - c.** No portion of the play symbol captions, retailer validation codes, display printing nor any extraneous matter whatever will be usable or playable as a part of the instant game. (3-25-22)

d. The ticket validation number or any portion thereof is not a play spot and is not usable or playable as such. (3-25-22)

e. In all Lottery games, the determination of prize winners is subject to the general ticket validation requirements set forth in Subsection 200.14, et seq., and Subsection 202.11 of this rule, and the requirements set out on the back of each instant game ticket. (3-25-22)

f. The length of operation of an instant game will be determined by the Director. The start date and closing date of the instant game will be publicly announced. (3-25-22)

09. Payment of Prizes. The procedures for claiming instant ticket prizes are as follows: (3-25-22)

a. Instant ticket prizes of less than six hundred dollars (\$600) may be claimed by one (1) of the following methods: (3-25-22)

i. The claimant may present the winning ticket to any Lottery retailer. The retailer must verify the claim and, if acceptable, make payment of the amount due the claimant. A retailer may pay prizes in cash or by business check, ~~or~~ money order, no fee prize payment card, or any combination thereof. A retailer that pays a prize with a check that is dishonored may be subject to suspension or termination of the retailer's contract. ~~(3-25-22)~~()

ii. If the retailer cannot verify the claim, the claimant must fill out a claim form and the retailer must present the completed form and the disputed ticket to the Director. If the claim is validated, ~~a check will be forwarded to the claimant in~~ payment ~~of~~ will be made to the claimant in cash, or by check or money order in the amount due. If the claim is not validated, the claim will be denied and the claimant will be promptly notified. ~~(3-25-22)~~()

iii. The claimant may bring present the ticket to the Lottery office or complete a claim form and mail it with the ticket to the Idaho State Lottery (registered mail recommended). Claim forms may be obtained from any Lottery game retailer or from the Lottery. ~~(3-25-22)~~()

b. To claim an instant prize of six hundred dollars (\$600) or more, the claimant must either bring present the winning ticket to the Lottery office or complete a claim form and mail the completed form together with the winning ticket to the Idaho State Lottery (registered mail recommended). ~~(3-25-22)~~()

c. Prizes of six hundred dollars (\$600) or more can be paid only from the Boise Lottery office. Upon validation by the Director, ~~a check will be forwarded to the claimant in~~ payment ~~of~~ will be made by check or money order in the amount due, less any applicable federal income tax withholding. ~~(3-25-22)~~()

d. Any ticket not passing all the validation checks is void and ineligible for any prize and will not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket (or ticket of equivalent sales price from any other current game). If a defective ticket is purchased, the only responsibility or liability of the Lottery is the replacement of the defective ticket with another unplayed ticket (or ticket of equivalent sale price from any other current game). (3-25-22)

e. All prizes will be paid within a reasonable time after they are awarded and after the claims are verified by the Director. For each prize requiring annual payments, all payments after the first payment will be made on the anniversary date of the first payment in accordance with the type of prize awarded. The Director may, at any time, delay any payment in order to review a change of circumstances concerning the prize awarded, the payee, the claim, or any other matter that may have come to his attention. All delayed payments will be brought up to date immediately upon the Director's confirmation and continue to be paid on each original anniversary date thereafter. (3-25-22)

10. Ticket Validation Requirements. In addition to meeting all of the other requirements in these rules or as may be printed on the back of each instant game ticket, the following validation requirements apply with regard to instant game tickets: (3-25-22)

a. To be a valid instant game ticket, the ticket must: (3-25-22)

- i. Have been issued by the Director in an authorized manner. (3-25-22)
 - ii. Not be altered, unreadable, or tampered with in any manner. (3-25-22)
 - iii. Not be counterfeit in whole or in part. (3-25-22)
 - iv. Not be stolen nor appear on any list of omitted tickets on file with the Lottery. (3-25-22)
 - v. Be complete and not blank (or partially blank), miscut, misregistered, defective, or printed or produced in error. (3-25-22)
 - vi. Under the opaque covered play area, have play symbols and the correct corresponding captions, exactly one (1) pack-ticket number, exactly one (1) agent verification code, and exactly one (1) validation number as required by each approved set of game rules, all of which must be present in their entirety, legible, right-side up, and not reversed in any manner. (3-25-22)
 - vii. The validation number of an apparent winning ticket must appear on the Lottery's official list of validation numbers of winning tickets; and a ticket with that validation number cannot have been previously paid. (3-25-22)
 - viii. Pass all additional confidential validation requirements established by the Director. (3-25-22)
 - ix. Be signed if the prize is for six hundred dollars (\$600) or more. (3-25-22)
- b.** Any ticket not passing all the validation checks in Paragraph 202.11.a. of this rule is void and ineligible for any prize and shall not be paid. However, the Director may, solely at the Director's option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price) from any other current Lottery game. If a defective ticket is purchased, the only responsibility or liability of the Lottery will be the replacement of the defective ticket with another unplayed ticket (or ticket of equivalent sales price from any other current Lottery game). (3-25-22)
- c.** The Director may authorize reconstruction of an alleged winning ticket that was not received or cannot be located by the Lottery, provided, the person requesting reconstruction must submit to the Lottery sufficient evidence to enable reconstruction and submit a claim for the prize, if any, for that ticket. If the reconstructed ticket is a winning ticket and meets the validation requirements of Paragraph 202.11.a. of this rule and any specific validation requirements contained in the rules for its specific game, the Director may authorize payment of the prize. Provided, the ticket will not be validated nor the prize paid before the one hundred eighty-first (181) day following the official end of that instant game. A ticket(s) validated pursuant to this Subsection will not entitle the claimant to be entered into the grand prize drawing, if any, for that or any subsequent instant game. (3-25-22)
- 11. Prize Rights Unassignable.** No person's right to a prize already drawn is assignable, except that payment of any prize already drawn may be paid to the estate of a deceased prize winner, and a person other than the prize winner may be paid the prize to which the winner is entitled as provided by court order. The Director will be discharged of all liability upon payment of a prize pursuant to this rule. (3-25-22)
- 12. Payment of Prizes to Persons Under Eighteen Years of Age.** If a person entitled to a prize for a winning ticket is under the age of eighteen (18) years, the Director may direct payment of the prize to an adult member of the minor's family or to the minor's guardian by a check or draft payable to the adult member of the minor's family or the minor's guardian. The adult member of the minor's family or the minor's guardian will have the same duties and powers as a person designated as a custodian in accordance with Idaho law. For purposes of this Subsection, the terms "adult member of a minor's family" and "guardian of a minor" have the same meaning as in the Idaho Gifts to Minors Law. The Director will be discharged of all liability upon payment of a prize to a minor pursuant to this rule. (3-25-22)
- 13. Prizes Payable After Death or Disability of Owner.** (3-25-22)
- a. All prizes, and portions of prizes that remain unpaid at the time of the prize winner's death will be

payable to the personal representative of the prize winner's estate once satisfactory evidence of the personal representative's appointment has been provided, and the Director is satisfied that payment to the personal representative is lawful and proper. The Director may rely on a certified copy of a court order appointing a personal representative (or similar person responsible for the prize winner's estate, whether denominated an administrator, executor, executrix, or other representative of the prize winner's estate) or may petition the court to determine the proper payee. Payment to the personal representative of the estate of the deceased owner of any prize winnings will absolve the Director and the Lottery's employees of any further liability for payment of prize winnings. (3-25-22)

b. The Lottery may petition any court of competent jurisdiction for a determination of the rightful payee for the payment of any prize winnings that are or may become due to a person under a disability including, but not limited to, mental deficiency, or physical or mental incapacity. (3-25-22)

14. Governing Law. In purchasing a ticket, the customer agrees to comply with, and abide by, Idaho law, and all rules and final decisions of the Lottery, and all procedures and instructions established by the Lottery or the Director for the conduct of the game. (3-25-22)

15. Discharge of All Liability Upon Payment. The state of Idaho, its agents, officers, employees, and representatives, the Lottery, its Director, agents, officers, employees and representatives, will be discharged of all liability upon payment of a prize or any one (1) installment thereof to the holder of any winning Lottery ticket or in accordance with the information set forth on the claim form supplied by the Director. If there is a conflict between the information on a winning Lottery ticket and the information on the claim form, the Lottery may rely on the claim form after the ticket for which it has been filed has been validated as a winning ticket and, in so doing, it will be relieved of all responsibility and liability in the payment of a prize in accordance with the information set forth therein. The Lottery's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes are final and binding upon all participants in the Lottery unless otherwise provided by law or these rules. If a question arises concerning the winning ticket, a claim form, the payment, or the awarding of any prize, the Lottery may deposit the prize winnings into an escrow fund until it determines the controversy and reaches a decision, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy. (3-25-22)

16. Unclaimed Prize Money. Any prize not claimed within the specified period will be forfeited and placed into the State Lottery Account. (3-25-22)

17. Disclosure. The Lottery may use the names, addresses, and photographs of winners in any Lottery promotional or publicity campaign. The address used will not contain the winner's street or house number without the winner's consent. The Lottery may condition payment of the prize upon agreement to these terms and conditions. (3-25-22)

18. Confidentiality of Tickets. All retailers and their employees and agents are prohibited from attempting to ascertain the numbers or symbols appearing in the designated areas under the removable latex or similar secure coverings or otherwise attempting to identify winning tickets. (3-25-22)

19. Official End of Game. (3-25-22)

a. The official end of an instant game will be announced by the Lottery. Prizes may be claimed up to one hundred eighty (180) days after the official end of the game. If the final day of the claim period falls on a Saturday, Sunday or a state holiday, the claim period will be extended to the end of the next business day. A player may submit a winning ticket claim for prize payment up to one hundred eighty (180) days after the official end of the game. Depending on the prize amount, the ticket should be submitted to the location specified in Subsection 202.10 of this rule, "Payment of Prizes." To participate in one (1) of the Lottery's special drawings, if any, a player must redeem a ticket that qualifies for entry into that special drawing within the time limits specified by the Director. (3-25-22)

b. A retailer must return to the Lottery all unsold Lottery tickets for each game within ninety (90) days of the official end of that game in order to receive credit from the Lottery as provided in retailer's contract. The Lottery has no obligation to grant credit for tickets returned after the time limit specified in the contract. (3-25-22)

203. (RESERVED)

204. ON-LINE COMPUTER GAMES.

01. On-Line Games -- Authorized -- Director's Authority. The Commission hereby authorizes the Director to select and operate on-line games which meet the criteria set forth in these rules. (3-25-22)

02. Definitions. As used in Rule 204 these terms have the following definitions: (3-25-22)

a. "Drawing." The procedure determined by the Director by which the Lottery selects the winning combination in accordance with the rules of the game. Drawings are open to the public. (3-25-22)

b. "On-line Game." (3-25-22)

i. A Lottery game in which a player selects a combination of numbers or symbols, the type of game and amount of play, and the drawing date by use of a computer. In return for paying the appropriate price, the player receives a computer-generated ticket with the player's selection printed on it. Each ticket bearer whose valid ticket includes a winning combination will be entitled to a prize if claim is submitted within the specified time period. (3-25-22)

ii. On-line terminal (OLT) instant ticket game having characteristics as defined in Paragraphs 202.02.a., 202.02.b., 202.02.d. and 202.02.i. of these rules. (3-25-22)

c. "On-line Retailer." A person or business authorized by the Lottery to sell on-line tickets. (3-25-22)

d. "On-line Terminal (OLT)." The computer hardware by which an on-line retailer or player enters the combination selected by the player and by which on-line tickets are generated and claims are validated. (3-25-22)

e. "On-line Ticket." A computer-generated ticket issued by an on-line terminal to a player as a receipt for the combination a player has selected. That ticket is the only acceptable evidence of the combination of numbers or symbols selected. (3-25-22)

f. "Ticket Bearer." The person who has signed the on-line ticket or who has possession of an unsigned ticket. (3-25-22)

g. "Validation." The process of determining whether an on-line ticket presented for payment is a winning ticket. (3-25-22)

h. "Winning Combination." One (1) or more numbers or symbols randomly selected by the State Lottery or its designee in a public drawing. (3-25-22)

03. Distribution of Tickets. (3-25-22)

a. Tickets will be sold by retailers selected by the Director. (3-25-22)

b. The Director is authorized to arrange for the distribution of OLTs, player-activated terminals (PATs), ticket stock, and supplies to certificated retailers. (3-25-22)

04. Sale of Tickets. (3-25-22)

a. No person other than a retailer under a contract for the sale of tickets with the Lottery may sell on-line Lottery tickets, except that nothing in this section will be construed to prevent a person who may lawfully purchase tickets from making a gift of Lottery tickets to another. (3-25-22)

b. Tickets may not be sold at a location other than the address listed on the retailer's contract with the Lottery. (3-25-22)

c. Nothing in this section prohibits the Director from designating certain of its agents and employees to sell Lottery tickets directly to the public. (3-25-22)

05. On-Line Games Criteria. (3-25-22)

a. The base price of an on-line ticket will not be less than fifty cents (\$.50), except to the extent of discounts authorized by the Commission. (3-25-22)

b. The price for a ticket in any particular on-line game will be set out in the game rules adopted by the Commission for that game. No person may sell a ticket at a price other than that established in accordance with these rules. On the average, the total of all prizes available to be won in an on-line game will not be less than forty-five percent (45%) of the on-line game's projected revenue. (3-25-22)

c. The manner and frequency of drawings may vary with the type of on-line game as defined in Subparagraph 204.02.b.i. of these rules. (3-25-22)

d. The times, locations, and drawing procedures will be determined by the Director. (3-25-22)

e. OLT instant ticket game as defined in Subparagraph 204.02.b.ii. of these rules will operate with a finite number of tickets per game and a predetermined and guaranteed prize structure approved by the Director. (3-25-22)

f. A ticket bearer entitled to a prize must submit the winning ticket as specified by the Director. The winning ticket must be validated by the Lottery or an on-line retailer through use of the validation number and any other means specified by the Director. (3-25-22)

06. Payment of Prizes. (3-25-22)

a. To claim an on-line game prize of less than six hundred dollars (\$600) the claimant may present the winning on-line ticket to any on-line retailer, or to the Lottery office: (3-25-22)

i. If the claim is presented to an on-line retailer, the on-line retailer must validate the claim and, if determined to be a winning ticket, pay the amount due the claimant as set forth in Rule 204.10.b. If the on-line retailer cannot validate the claim, the claimant may obtain and complete a claim form and submit it with the disputed ticket to the Lottery by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in make payment of the amount due in cash, by check, or money order. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-25-22)(____)

ii. If the claim is presented to the Lottery office, the claimant will be required to complete a claim form and submit it with the winning ticket, either by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in make payment of the amount due in cash, by check, or money order, less any withholding required by the Internal Revenue Code. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-25-22)(____)

b. To claim an on-line prize of six hundred dollars (\$600) or more, the claimant must obtain and complete a claim form and submit it with the winning ticket to the Lottery office by mail or in person. Prizes of six hundred dollars (\$600) or more can be paid only from the Lottery office. Upon determination that the ticket is a winning ticket, the Lottery will present or mail a check to the claimant in make payment of the amount due by check or money order, less any withholding required by the Internal Revenue Code and the state of Idaho. The amount due will be calculated according to the rules adopted for the particular on-line game. If the ticket is determined to be a non-winning ticket, the claim will be denied and the claimant will be promptly notified. Non-winning tickets will not be returned to the claimant. (3-25-22)(____)

c. All prizes must be claimed within one hundred eighty (180) days from the drawing in which the prize was won. If the final day of the one hundred eighty (180) day period falls on a Saturday, Sunday or a state

holiday, the claim period will be extended to the end of the next business day. Any prize not claimed within the specified period will be forfeited and placed into the State Lottery account. (3-25-22)

07. Drawings and End of Sales Prior to Drawings. (3-25-22)

a. Drawings will be conducted in a location and at days and times designated by the Director. (3-25-22)

b. For each type of on-line game, the Director will establish a time before the drawing for the end of sales. (3-25-22)

c. The Director will designate the type of equipment to be used and will establish procedures to randomly select the winning combination for each type of on-line game. Drawing procedures will include provisions for the substitution of backup drawing equipment if the primary drawing equipment malfunctions or fails for any reason. (3-25-22)

d. The equipment used to determine the winning combination will not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The drawing results, including sales, number of winners and numbers drawn, will be audited and reviewed after each drawing to assure proper operation and lack of tampering or fraud. (3-25-22)

e. All drawings may be broadcast live on television, provided the facilities for such broadcasts are available and operational and can be done at a reasonable cost. (3-25-22)

f. The Director will establish procedures governing the conduct of drawings for each type of on-line game. The procedures must include provisions for deviations that include but are not limited to: (3-25-22)

i. Malfunction of the drawing equipment before determination of the winning combination; (3-25-22)

ii. Fouled drawing; (3-25-22)

iii. Delayed drawing; and (3-25-22)

iv. Other equipment, facility or personnel difficulties. (3-25-22)

g. If a deviation occurs, the drawing will be completed under the supervision of the Lottery or its designee. The winning combination will be provided to the public. (3-25-22)

h. If, during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all numbers or symbols, a “foul” will be called by Lottery security or the Lottery’s designee. Any number drawn before a “foul” is called will stand and be deemed official after passing inspection and certification by Lottery security or the Lottery’s designee. (3-25-22)

i. The Director will delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment will be made after an investigation is completed and the drawing approved by Lottery security or the Lottery’s designee. If the drawing is not approved, it will be void and another drawing will be conducted to determine the actual winner. (3-25-22)

08. Validation Requirements. (3-25-22)

a. To be a valid winning on-line ticket, the ticket must: (3-25-22)

i. Have all printing on the ticket in its entirety, be legible, and correspond, using the computer validation file, to the combination and the date printed on the ticket. (3-25-22)

ii. Be intact, not be mutilated, altered, or tampered with in any manner. (3-25-22)

- iii. Not be counterfeit or an exact duplicate of another winning ticket. (3-25-22)
 - iv. Have been issued by an authorized on-line retailer or dispensed by a player-activated terminal in an authorized manner. (3-25-22)
 - v. Not have been stolen or cancelled. (3-25-22)
 - vi. Not have been previously paid. (3-25-22)
 - vii. Pass all other confidential security checks of the Lottery. (3-25-22)
 - viii. Be signed if the prize is for six hundred dollars (\$600) or more. (3-25-22)
- b.** A ticket failing any of the validation requirements listed in Paragraph 204.08.a. of this rule is invalid and ineligible for a prize. The final decision on whether a prize is paid will be made by the Director. (3-25-22)
- c.** If there is a dispute between the Director and a claimant whether a ticket is a winning ticket, and if the Director determines that the ticket is not valid and a prize is not paid, the Director may replace the disputed ticket with a ticket of equivalent sales price for a future drawing of the same type of game. This will be the sole and exclusive remedy of the claimant. (3-25-22)
- d.** If a defective on-line ticket is purchased, the only responsibility or liability of the Lottery or of the on-line retailer is the replacement of the defective on-line ticket with another on-line ticket of equivalent value for a future drawing of the same type of game. (3-25-22)
- 09. Retailer Duties.** Retailers with an on-line terminal (OLT) must perform the following duties: (3-25-22)
- a.** Pay costs associated with providing a telephone line or internet or similar connection that must be located as specified by the Lottery. Payment of the telephone line or internet or similar connection is nonrefundable after installation, except if the Lottery denies, through no fault of retailer, the installation of the on-line terminal. (3-25-22)
 - b.** Pay the Lottery for the local monthly telephone or internet or similar charges per OLT as specified by the Lottery. The Lottery will pay for the mileage charges (if any) between the retailer's location and the Lottery's central site. (3-25-22)
 - c.** Hold funds generated from the sale of on-line tickets in trust for the Lottery. At a time specified by the Lottery, the retailer must pay these funds to the Lottery plus the monthly communications charge specified above in Paragraph 204.09.b. of this rule, less: (3-25-22)
 - i. Prizes paid; (3-25-22)
 - ii. Any credit; and (3-25-22)
 - iii. The retailer discount. (3-25-22)
 - d.** Locate the OLT within the retailer's premises at a point-of-sale location approved by the Lottery. The retailer is prohibited from moving an OLT unless the retailer follows the procedures established by the Director, including reimbursing the State Lottery for any telephone or internet or similar charges associated with the change of OLT location if the retailer requested the change. (3-25-22)
 - e.** Provide dedicated AC power to within approximately five (5) feet of the terminal. Dedicated AC power means that there is no other equipment on the line that is to be used for the on-line terminal. The retailer is responsible for all costs associated with providing dedicated AC power. The Lottery will provide a schematic of

outlet requirements to the retailer's electrical contractor. (3-25-22)

f. Sell all Lottery games, including but not limited to instant game tickets offered by the Lottery. The retailer agrees to continue the sale of instant tickets from all cash registers or other points of purchase. (3-25-22)

g. Conduct the sale of on-line tickets during all hours and days that the retailer's business is open and the on-line system is functioning. The retailer must post the hours that redemption of winning tickets may take place if these hours are different from the retailer's normal business hours. The retailer must monitor ticket supply levels and give timely notice when any item is in short supply. (3-25-22)

h. Post winning numbers prominently where tickets are sold as soon as possible following the drawing. (3-25-22)

i. Provide secure storage for OLT supplies and a secure area for the OLT. (3-25-22)

j. Exercise due diligence in the operation of the OLT and immediately notify the Lottery and the central computer facility of any telephone line, internet, radio, or OLT malfunction, such as the issuance of invalid on-line Lottery ticket, inability to sell or redeem an on-line ticket, and non-issuance of an on-line ticket. The retailer is prohibited from performing mechanical or electrical maintenance on the OLT. (3-25-22)

k. Replace ribbons and on-line or instant ticket stock and clear paper jams as required for the OLT per the instructions provided by the Lottery. (3-25-22)

l. Pay, without reimbursement, all electricity charges in connection with the operation of OLT. (3-25-22)

10. Payment of Prizes by On-Line Retailers. (3-25-22)

a. An on-line retailer must pay to the ticket bearer on-line games prizes of less than six hundred dollars (\$600) for any validated claims presented to that on-line retailer. These prizes must be paid during all normal business hours of the on-line retailer, unless redemption hours differ from normal business hours that have been posted pursuant to Paragraph 204.09.g. of this rule, provided, that the on-line system is operational and claims can be validated. (3-25-22)

b. An on-line retailer may pay prizes in cash or by business check, certified check, money order, or any combination thereof. An on-line retailer that pays a prize with a check that is dishonored may be subject to suspension or termination of its contract. (3-25-22)

11. Retailer Settlement. (3-25-22)

a. On-line retailers must establish an account for deposit of monies derived from on-line games with a financial institution that has the capability of electronic funds transfer (EFT). (3-25-22)

b. The amount deposited must be sufficient to cover monies due the Lottery. The Lottery will withdraw by EFT the amount due the Lottery on the day specified by the Director. If the day specified for withdrawal falls on a state holiday, withdrawal may be delayed until the next business day. (3-25-22)

12. Prize Rights Unassignable. No right of any person to a prize drawn is assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and that any person may be paid the prize to which the winner is entitled pursuant to an appropriate judicial order. The Director will be discharged of all liability upon payment of a prize pursuant to this rule. (3-25-22)

13. Payment of Prizes to Persons Under Eighteen Years of Age. If a person entitled to a prize for a winning ticket is under the age of eighteen (18) years, the Director may direct payment of the prize to an adult member of the minor's family or to the minor's guardian by a check or draft payable to the adult member of the minor's family or to the minor's guardian. The adult member of the minor's family or the minor's guardian will have the same duties and powers as a person designated as a custodian in accordance with Idaho Law. For purposes of this

Subsection the terms “adult member of a minor’s family” and “guardian of a minor” have the same meaning as in the Idaho Gifts to Minors Law. The Director will be discharged of all liability upon payment of a prize to a minor pursuant to this rule. (3-25-22)

14. Prizes Payable After Death or Disability of Owner. (3-25-22)

a. All prizes, and portions of prizes, that remain unpaid at the time of the prize winner’s death will be payable to the personal representative of the prize winner’s estate once satisfactory evidence of the personal representative’s appointment has been provided, and the Director is satisfied that payment to the personal representative is lawful and proper. The Director may rely on a certified copy of a court order appointing of a personal representative (or similar person responsible for the prize winner’s estate, whether denominated an administrator, executor, executrix, or other representative of the prize winner’s estate) or may petition the court to determine the proper payee. Payment to the personal representative of the estate of the deceased owner of any prize winnings will absolve the Director and the Lottery’s employees of any further liability for payment of prize winnings. (3-25-22)

b. The Lottery may petition any court of competent jurisdiction for a determination of the rightful payee of any prize winnings that are or may be due to a person under a disability including, but not limited to, minority, mental deficiency, physical or mental incapacity. (3-25-22)

15. Discharge of State Lottery Upon Payment. The state of Idaho, its agents, officers, employees and representatives, the Lottery, its Director, agents, officers, employees and representatives are discharged of all liability upon payment of a prize or any one (1) installment thereof to the holder of any winning Lottery ticket or in accordance with the information set forth on the claim form supplied by the Director. If there is a conflict between the information on a winning Lottery ticket and the information on the claim form, the Lottery may rely on the claim form after the ticket for which it has been filed has been validated as a winning ticket and, in so doing, it will be relieved of all responsibility and liability in the payment of a prize in accordance with the information set forth therein. The Lottery’s decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes will be final and binding upon all participants in the Lottery unless otherwise provided by law or these rules. If a question arises concerning the winning ticket, a claim form, the payment, or the awarding of any prize, the Lottery may deposit the prize winnings into an escrow fund until it determines the controversy and reaches a decision, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy. (3-25-22)

16. Disclosure. The Lottery may use the names, addresses, and photographs of winners in any Lottery promotional or publicity campaign. The address used will not contain the winner’s street or house number without the winner’s consent. The Lottery may condition payment of the prize upon agreement to these terms and conditions. (3-25-22)